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The United States and the Soviet Union agreed on a draft resolution endorsing the treaty and asking the three depositary governments (the United States, the United Kingdom, and the Soviet Union) to open it for signature. They were able to find 18 co-sponsors for this resolution, which was tabled in the First Committee on May 1, and 9 more for a slightly revised version submitted two days later. No Latin American co-sponsors could be found at this stage, and only two black African states, Somalia and Sudan, agreed to co-sponsor. Although most countries favored the treaty, such influential nations as Mexico, Sweden, and Japan favored treaty amendments.¹

Japanese proposal

As previously noted, the Japanese had told us that they could not co-sponsor the draft resolution for domestic political reasons.² Before the General Assembly met, we learned that they were thinking of introducing a draft resolution in which the Assembly would declare that the nuclear states were "entrusted with control over their nuclear weapons" until they were placed under "effective international control" and call on the nuclear powers to exercise control over their nuclear weapons "in the interest of the maintenance of international peace and security."³ On a preliminary basis, we thought that something like this might be useful but doubted that India and other "threshold" countries would welcome the implied blessing of the existing nuclear club.⁴

A revised version of this resolution (April 11) added an initial operative paragraph on the responsibility of states to refrain from the use of force in international relations and to settle international disputes by peaceful means. The other operative paragraphs read as follows:

¹See Sisco (State/IO) to Rusk, memorandum, May 10, 1968, Limited Official Use. The opening phase of the First Committee debate is reviewed in International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 117 ff.

²See above, p. 348.

³From Tokyo, tel. 6155, Mar. 4, 1968, Confidential.

⁴To Tokyo, tel. 141037, Apr. 3, 1968, Confidential.

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2. Calls upon all nuclear-weapon States to control their nuclear arms in conformity with the above responsibility.

3. Calls upon all nuclear-weapon States to make the utmost efforts, in conformity with the above responsibility, towards an international system for the effective control of nuclear arms.¹

In New York, Japanese Ambassador Abe told Buffum that the linkage of nuclear weapons with general and complete disarmament in the treaty did not mean much to Tokyo, which doubted that general and complete disarmament would ever be achieved. Ambassador Buffum then asked whether it would help if we added the following non-use paragraph to the joint draft resolution:

[The General Assembly] requests all States possessing nuclear weapons, in the interest of international peace and security, to assure they will not use such weapons in any manner inconsistent with the purpose, principles, and provisions of the UN Charter.²

Washington agreed that Buffum's suggestion would be a useful addition to the joint resolution but wondered whether potential nuclear powers would support it. It warned that the new language would remind other countries of the "sensitive fact" that the United States and the Soviet Union had been unable to agree to a more comprehensive non-use declaration and of the Ethiopian resolution adopted by the General Assembly in 1961.³

Later, a Japanese delegate explained to De Palma that their draft resolution was based on three principles: (1) the distinction between nuclear and non-nuclear states should be

¹From Tokyo, tel. 7387, Apr. 12, 1968, Secret.

²From New York, tel. 4612, Apr. 17, 1968, Confidential.

³To New York, tel. 148735, Apr. 18, 1968, Confidential.

For the non-use declaration, see above, pp. 279-281, 311-313. The Ethiopian and other non-use proposals are discussed below, chapter K6.

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temporary and transitional; (2) during this transitional period none of the nuclear powers should violate the principles of the Charter; and (3) the distinction between nuclear and non-nuclear nations should be progressively eliminated, possibly through international control of nuclear weapons by some supranational body. It was important to try to get France and Communist China to accept some obligations.

Ambassador De Palma observed that the Japanese approach was not related to the question of non-use of nuclear weapons. He thought that the treaty took care of the Japanese problem by recognizing that it was only a step in the disarmament process. But the Japanese proposal would not be acceptable to the Soviets, who had always opposed control of existing weapons. Moreover, the "control" of nuclear weapons which the Japanese sought seemed to differ from general and complete disarmament.¹

In the light of this discussion, the Japanese Foreign Ministry decided to eliminate the "control" terminology and to replace the second and third paragraphs with the following language:

2. Calls upon all nuclear-weapon States to act in conformity with the above responsibility and to assure that the nuclear weapons in their possession shall not be used in any fashion inconsistent with the above-mentioned principles.²

When Ambassador Tsuruoka presented the new version to Buffum and Fisher to New York, he noted that it took Buffum's suggestion into account. Ambassador Buffum pointed out that his suggestion was informal and personal and that Washington would be concerned about opening up the non-use question, since this might lead to proposals which we could not accept.³ The Japanese were primarily motivated by domestic political concerns.⁴

¹From New York, tel. 4762, Apr. 25, 1968, Confidential.

²From Tokyo, tel. 7840, Apr. 27, 1968, Secret.

³From New York, tel. 4799, Apr. 27, 1968, Confidential.

⁴From New York, tel. 4839, Apr. 29, 1968, Confidential.

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On May 1, First Deputy Foreign Minister Kuznetsov told Goldberg that the Japanese resolution was unacceptable and asked for our help in stopping it. On the next day, Ambassadors Buffum and Fisher discussed the question with Mendelevich. Before reaching a decision on the Kuznetsov request, they wished to be sure that we could get Soviet support in stifling resolutions, e.g., on non-use, that we found objectionable. Ambassador Mendelevich replied that the Soviet delegation supported full bilateral coordination of all proposals related to the treaty and would jointly resist any divisive initiatives at this session. He added that the Soviet Union did not yet have a firm position on the resolution and asked us to persuade the Japanese to postpone introducing it. After this discussion, Ambassador Goldberg asked Tsuruoka not to submit it until there had been a further opportunity for consultation.¹

Washington agreed that we should try to get the Japanese to postpone introduction. While it was concerned about the dangers Buffum had mentioned to Tsuruoka, it noted that the Japanese formula was consistent with the position Rusk had taken on the Ethiopian proposal in 1962 and decided that we could support the resolution if its relationship to Charter principles was made explicit.²

The Soviets were reluctant to abandon the possibility of some non-use formula. Soviet delegates Grinevsky and Shevchenko later suggested an agreement that the nuclear powers undertake not to use nuclear weapons against non-nuclear parties to the treaty which were not members of alliances with nuclear powers. We reacted negatively.³

Mexican amendments

Although the Soviets publicly joined us in opposing any amendments to the draft treaty or the joint resolution, some Soviet delegates apparently intimated to the Mexicans that minor amendments might be acceptable. On May 9 the Mexicans

¹From New York, tel. 4911, May 3, 1968, Secret.

²To New York, tel. 157923, May 3, 1968, Confidential.

³From New York, tel. 5025, May 9, 1968, Secret/Limdis.

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gave other Latin American delegates a working paper proposing several amendments to the draft treaty. The following new preambular paragraph would be added:

Recalling that, in accordance with ~~the~~ U.N. Charter, States should refrain in their international relations from the threat or use of force and should advance the maintenance of international peace and security with the least possible diversion of the world's human and economic resources towards armaments.

The second paragraph of article IV would be changed to read:

All parties to the Treaty have ~~the~~ right to have access to scientific and technological information on peaceful uses of nuclear energy and to participate in the widest possible exchange of such information. Parties to the Treaty in a position to do so shall also contribute and cooperation in contributing alone or with other States...

Article V would be revised as follows:

Each Party to this Treaty undertakes to take appropriate measures to insure that, in accordance with the Treaty, under adequate international observation and through appropriate international procedures, the potential benefits of all peaceful applications of nuclear explosions will be available to non-nuclear weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that non-nuclear-weapon States Party to this Treaty will be in a position to obtain such benefits pursuant to a special agreement which should be approved by the UNGA as soon as possible, through an appropriate international body with adequate representation of non-nuclear-weapon States. Parties so desiring will likewise be able to obtain those benefits pursuant to special bilateral agreements.

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The phrase "including the cessation of the manufacture and perfection of such arms" would be added after the reference to measures to stop the nuclear arms race in article VI.¹

In Mexico City, Foreign Secretary Carrillo Flores told U.S. Ambassador Freeman that the Mexican delegates were sincerely convinced that their effort to obtain agreement on "minor and harmless amendments" was more helpful to the treaty than the "take it or leave it" tactics of the United States and the Soviet Union. Ambassador Freeman warned the Mexicans that we did not consider their amendments "minor" or "harmless" and that they might open up Pandora's box. The United States and the Soviet Union had gone half-way in accepting the suggestions of the non-nuclear powers, including Mexico. While we appreciated their intentions, we feared that the working paper would have divisive results and impair the prospects of the joint resolution.²

Washington was very concerned about the Mexican move. It feared that "indication of our willingness ~~/to/~~ consider acceptance of any amendments at this stage, even if innocuous, could open ~~/the/~~ floodgates," since other countries would be tempted to take the same course. The Mexican amendments raised a "host of serious and complex substantive problems," and their consideration could only delay the conclusion of the treaty. Our Embassies in Latin America were immediately instructed to warn that the U.S. Government, Congress, and American public opinion would find it difficult to understand why Latin Americans should take an initiative to frustrate a treaty to which we attached so much importance.³

At New York, Mr. Fisher told Chilean Ambassador Pimera that the Mexican move would seriously set back the treaty's chances. Although we were not putting the treaty forward on a "take it or leave it" basis, a few amendments could start an avalanche which would cause us great trouble. We had objections to all the amendments, e.g., to the change in

¹From New York, tels. 5024, May 9, 1968, Limited Official Use, and 5025, May 9, 1968, Secret/Limdis.

²From Mexico, tel. 4812, May 9, 1968, Confidential.

³Circ. tel. 161473, May 10, 1968, Secret.

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article VI. This would affect the manufacture and maintenance of nuclear weapons and could not be verified. Ambassador Piñera retorted that we were making "arguments of authority," which Mr. Fisher denied.¹

On initial analysis, we found the Mexican amendments undesirable or unnecessary. The preambular change was unnecessary and possibly harmful because it might encourage attempts to deal with security assurances in the treaty itself. The Mexican changes in the peaceful-uses article were undesirable because they would run counter to the principle of exchanges of information rather than unilateral access, leave us with the obligation of giving the same degree of access to Communist countries as to friendly nations, and ignore legal rights on patents and the protection of industrial property.

It would be premature and unnecessary to try to spell out all the procedures for peaceful nuclear explosion services in article V. While we had proposed the strategic nuclear delivery vehicles freeze and the fissionable materials production cutoff and the treaty would obligate parties to negotiate for nuclear disarmament, the Mexican amendment to article VI was not desirable:

...But short of GCD, it is not practical to halt ~~the~~ manufacture of nuclear weapons or their improvement. Such measures would require ~~the~~ most extensive verification. As long as nuclear weapons exist, there is no way to verify that they are not being taken apart, remanufactured and improved without standing guard over every weapon - which would be wholly unacceptable. ~~The~~ result of ~~the~~ Mexican amendment would therefore be to focus negotiating efforts more on GCD than on measures such as ~~the~~ cut off and freeze which ~~are~~ more achievable in today's world.²

¹From New York, tel. 5048, May 10, 1968, Confidential. The U.S. fissionable materials cutoff proposal would not actually stop the manufacture of new nuclear weapons by cannibalizing undestroyed weapons in the stockpile or by using previously produced fissionable materials that were not transferred to peaceful uses.

²Circ. tel. 162526, May 11, 1968, Confidential.

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In discussions with Goldberg and Fisher, Ambassador Garcia Robles agreed not to formally submit the Mexican amendments in the First Committee but to make an informal approach to the Co-Chairmen, perhaps through a small Latin American working group. Mr. Kuznetsov agreed to joint American-Soviet talks with the Mexicans.¹ Without formally tabling the amendments, Ambassador Garcia Robles publicly advocated them in the First Committee on May 16. The Chilean representative also advocated changes in the peaceful-uses and review provisions of the treaty.²

African attitudes

The African states had not yet made up their minds when the session began. Nigerian Ambassador Sule Kolo, who had previously shown some vexation at the Co-Chairmen's negotiating tactics,³ told Fisher on May 2 that he now felt that the treaty was the best obtainable and that the Africans should sign it in order to guarantee a nuclear-free Africa. Many were upset at U.S. pressure, and it would help if we could say that South Africa would sign.⁴ In a statement to the First Committee, he repeated some of his previous criticisms of the treaty but said that it should be concluded "as urgently as possible."⁵

Ethiopia, the other African member of the ENDC, stated her position in reply to our aide-mémoire.⁶ The Ethiopians supported non-proliferation in principle but objected to the "discriminatory" nature of safeguards and the vagueness of the disarmament provisions. They wondered whether enough nuclear and near-nuclear nations would ratify the treaty to make it meaningful. And they considered the tripartite security assurances proposal unworkable and unrealistic.⁷

¹From New York, tel. 5085, May 11, 1968, Confidential. For American-Soviet talks with the Latin Americans, see below, pp. 375-376.

²International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, p. 120.

³See above, p. 288.

⁴From New York, tel. 4890, May 2, 1968, Confidential.

⁵International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 117-118.

⁶See above, p. 358.

⁷From Addis Ababa, agm. A-603, May 4, 1968, Limited Official Use.

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Other African states made more radical criticisms. In the First Committee, the Kenyan representative attacked the treaty for failing to halt "vertical proliferation" and urged that France and Communist China be brought into the negotiations. He considered the security assurances to be inadequate: The three nuclear powers--the United States, the United Kingdom, and the Soviet Union--should agree by a treaty to defend any non-nuclear state that was threatened or attacked by nuclear weapons. Moreover, nothing required South Africa, a near-nuclear nation and a threat to its African neighbors, to sign the treaty. South Africa, he declared, probably already had "a good stock of nuclear weapons" in its possession.¹

The Ghanaian representative took a similar position and suggested to Fisher that General Assembly action be postponed until after the non-nuclear conference. Mr. Fisher replied that this would delay the treaty for a full year and might cause it to fall apart.² Later, the Ghanaians took the line that the black African nations should refuse to sign the treaty unless the United States, the United Kingdom, and the Soviet Union guaranteed their security against South Africa through a special Security Council resolution.³

The South African attitude made it more difficult to win the support of the black Africans. South Africa was not ready to sign the treaty and was initially reluctant to even vote for the endorsement resolution. Ambassador Botha was concerned about the expansion of safeguards to cover ore production and the treaty's impact on domestic uses of nuclear energy.⁴

Some black Africans were also dissatisfied with the position of the great powers on the issue of Southwest Africa, which the General Assembly was also considering. While we did not want this issue linked with the non-proliferation treaty and we wished to avoid provoking the black Africans into bargaining for South African adherence

¹A/C.1/PV.1562, pp. 16-25.

²From New York, tel. 4942, May 3, 1968, Confidential.

The Ghanaian delegation later tried to work up formal amendments (from New York, tel. 5047, May 10, 1968, Confidential).

³From New York, tel. 5294, May 23, 1968, Confidential.

⁴From New York, tel. 4894, May 2, 1968, Confidential.

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to the treaty, we sent the following instruction to our Embassies in Africa:

...Embassies at their discretion may wish to explain to host govts in course of normal contacts and in ~~/the/~~ general context of ~~/the/~~ NPT that ~~/the/~~ NPT ~~/is/~~ in their interest precisely because it could help prevent ~~/South Africa/~~ from acquiring nuclear weapons. You may say that we have been discussing ~~/the/~~ NPT bilaterally with ~~/the/~~ South African Government and are hopeful that ~~/the/~~ latter will adhere to ~~/the/~~ treaty even though it had not yet indicated its attitude on the draft before the current ~~/General Assembly/~~. Widespread support including ~~/the/~~ black African countries of ~~/the/~~ NPT draft would make it much more difficult for ~~/South Africa/~~ not to support ~~/the/~~ NPT at ~~/the General Assembly/~~.

We have tried to make it clear in New York that disarmament subjects like ~~/the/~~ NPT should be considered on their own merits and that progress cannot be made on disarmament if political stumbling blocks arising from other issues are raised. Of all disarmament discussions currently under discussion or in view, ~~/the/~~ NPT would appear to be of ~~/the/~~ greatest value to black African countries given their fear that South Africa may develop nuclear weapons.¹

The South African position

If the parliamentary situation in the General Assembly made it desirable to obtain South African support for the joint resolution, South Africa's position as a near-nuclear nation and a uranium supplier made it important to persuade her to adhere to the treaty. Ambassador Botha publicly expressed his country's concerns in a statement of May 20 to the First Committee.² A team of American experts, headed

¹Circ. tel. 165731, May 16, 1968, Limited Official Use.

²International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 121-122.

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by ACDA Assistant Director Scoville, was now sent to South Africa. After their visit, the South Africans decided to support the resolution without as yet committing themselves to sign the treaty.

During the visit of the Scoville group (May 27-28), the Americans clarified the interpretation of various treaty provisions. These clarifications were later formulated in a "memorandum of discussion" prepared by the South Africans and corrected by us. This memorandum was a South African document rather than a formally agreed bilateral interpretation of the treaty. In response to South African inquiries, we acknowledged that there was no control under article I. Owing to intelligence activities, however, there would be considerable risk of a violation becoming known, and there was little incentive for a nuclear power to transfer nuclear weapons.

We explained that the term "manufacture" was not defined in article II because all scientific developments could not be anticipated. The treaty did not, however, preclude "basic research and development, e.g., on plutonium metallurgy, which would have a clear value for the peaceful application of nuclear energy, even though such research might at the same time be of some value in manufacturing a weapon." On the other hand, it precluded the manufacture of "an actual device which could be used for carrying out a nuclear explosion."

Asked about the undertaking in article II "not to seek or receive any assistance," we said that nothing in the treaty prohibited the production of fissionable materials under safeguards. We believed that assistance in peaceful nuclear programs to treaty parties would be facilitated. But a non-nuclear party would not receive assistance in the technology of nuclear explosive devices. We further explained:

...On the other hand, there was nothing in the Treaty to prevent a non-nuclear weapon country from itself undertaking, or receiving assistance in respect of, all technological aspects involved in

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the application of nuclear explosions to peaceful purposes. The only preclusion was the technology of the device itself. Other facets of any particular project, such as the engineering involved, would not be affected by the terms of the Treaty. Furthermore, all the relevant technological information would be freely available, including data as to the total yield of the device, the effects in particular circumstances, etc. The only information not available would be the internal design of the nuclear explosive device itself.

Discussing article III, we said that uranium used for non-nuclear purposes would not be subject to safeguards unless the total quantities were above the minimum provided by the IAEA safeguards system. A party to an agreement with IAEA would not be bound by subsequent changes in the IAEA safeguards document. We thought, however, that it would be desirable to amend the agreement by negotiations with IAEA. The South Africans did not share our belief that future changes would more likely make safeguards less intrusive.

We told them that no fissionable materials, special equipment, or material could be provided to non-nuclear nations which did not adhere to the treaty, except under safeguards. The South Africans did not agree with our view that special equipment or material for a nuclear power reactor to generate electricity would be banned. We agreed that the treaty did not forbid the provision of fissionable materials to a nuclear power or require safeguards in such a case, even if the nuclear power did not adhere to the treaty.¹ The supply of materials to non-nuclear nations that were not parties to the treaty would be permitted provided that safeguards were applied, but these would have to be IAEA safeguards, not bilateral arrangements.

¹This was a question of some importance to South Africa, which exported nuclear materials to France.

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On the definition of "source material," we took the view that uranium ore of low concentration would not be considered source material and that slime dumps "containing a very low uranium concentrate residue" would not be regarded as source material unless and until the IAEA Board of Governors made a determination. We could not say whether uranium diuranate extracted at the mines would be regarded as source material, and suggested that the South Africans consult the IAEA. Uranium concentrate (U_3O_8 or yellow-cake) was regarded as source material. Experiments on fast reactor critical assemblies would be permitted under article IV, "even though they might provide information that could be used to develop nuclear explosive devices."

We thought that the IAEA would be responsible for the "appropriate international procedures" mentioned in article V, even though this was yet to be arranged. Bilateral arrangements were permitted but there was no obligation to provide services bilaterally. The IAEA role would be "limited to assessing and satisfying itself on the safety hazards involved and the elimination of any risk that a nuclear explosive device was used for any other purpose than the project for which it had been requested." The South Africans suggested that we put this understanding on record, but we indicated that the clarification of procedures should be taken up with IAEA if it became the responsible agency.

As for article VII, we saw no incompatibility between the non-proliferation treaty and the Tlatelolco treaty.

The South Africans remained concerned about several aspects of the treaty. They were uncertain about the nature of a model safeguards agreement with IAEA and they were not sure that IAEA and other authorities would be able to exclude all extraneous considerations in carrying out their tasks.¹

¹Circ. agm. CA-9036 (to Capetown), June 28, 1968, Confidential, with attachment, "Memorandum of Discussion," Confidential.

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Maltese proposals

On May 11, Maltese Ambassador Pardo informally circulated draft amendments to the joint resolution. In the preamble, a reference to the General Assembly's "deeply appreciative" feeling about the work of the ENDC would be deleted from the paragraph on the ENDC report. The fourth and fifth preambular paragraphs would be replaced by new language on the need for support by all nuclear powers, nuclear disarmament, and the "balance of responsibilities" of nuclear and non-nuclear states. The first operative paragraph would be replaced by a new paragraph in which the General Assembly would commend the treaty on the understanding that the nuclear powers intended to conclude nuclear disarmament agreements at an early date and that the "inalienable right" of all parties to the supply of fissionable materials and equipment and to free technical assistance would not be questioned. The General Assembly would note the intention of the depositary governments to open the treaty for signature, rather than request them to do so. It would also urge the nuclear signatories to do all in their power to obtain the adherence of all nuclear states.¹

An American delegate immediately questioned the paragraph on supply and learned that it was inspired by the Italians. Ambassador Pardo was willing to drop the equipment aspect of this paragraph. He explained that the free assistance provision referred to scholarships, not pilot projects. The American delegate pointed out that the paragraph on the adherence of all nuclear states could provoke a reaction by France or the French-speaking African states.²

Later, Ambassador Pardo proposed adding a clause on not using or threatening to use nuclear weapons "in any manner inconsistent with the principles and purposes of the Charter of the United Nations." He changed the peaceful-uses paragraph. Another change was a revised paragraph urging the nuclear signatories "to seek to obtain the adherence to the Treaty of all nuclear weapon States and to assist them with further negotiations for the conclusion of agreements relating to the cessation of the nuclear arms race and nuclear disarmament."

¹From New York, tel. 5086, May 11, 1968, Confidential.

²From New York, tel. 5089, May 11, 1968, Confidential.

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Mr. Fisher urged him not to press his changes, which would not be acceptable to the United States or the Soviet Union.¹

Romanian amendments

On May 22, Ambassador Ecobescu gave De Palma four amendments to the draft treaty. In article VI, the Romanians wished to specify that the parties would negotiate on "the cessation of the manufacture and perfection of nuclear weapons, the liquidation of all their existing stockpiles and the elimination from national arsenals of nuclear weapons..." In a new article, the parties would agree to act through the Security Council to assure non-nuclear parties that "they would not be subjected to a nuclear attack and would not be threatened with such an attack." The first paragraph of the peaceful-uses article would be revised to assure the "inalienable right" of all parties to develop nuclear energy for peaceful purposes, to acquire fissionable material and equipment, and to have access to information. A new paragraph would be added to article III restricting control to peaceful nuclear activities which might lead to the proliferation of nuclear weapons. The Romanians had previously intimated that they would only propose small changes, and Ambassador De Palma was frankly amazed at the scope of their proposals. He told Ecobescu that there was no prospect of agreement on amendments of this kind.²

Yugoslav amendments

On the same date, the Yugoslav representative gave De Palma three amendments. A reference to "effective measures in the direction of nuclear disarmament" would be added to the ninth preambular paragraph. There would be a new article incorporating the Kosygin non-use formula.³ In article V, a new clause would be added providing that negotiations for an international body and a draft treaty to regulate peaceful explosions would begin immediately after signature of the non-proliferation treaty.

¹From New York, tel. 5140, May 15, 1968, Confidential. For American-Soviet discussions of the Maltese proposals, see below.

²From New York, tel. 5278, May 22, 1968, Secret.

³See above, p. 51.

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Ambassador De Palma noted the danger of opening up the treaty even to innocuous amendments because of the risk of pressure for further changes. The first change would add nothing to the 11th preambular paragraph or to article VI. We were opposed to the Kosygin formula and it was impracticable to include any assurance language in the treaty. And it would be undesirable to refer to some new international body in article V, since most people were thinking of the IAEA in this connection.¹

"Cosmetic" changes in the treaty and resolution

On May 13 the American and Soviet delegations examined the voting situation in the General Assembly. We then estimated that the joint resolution would get about 80 votes if some changes were made. Mr. Kuznetsov found this estimate too optimistic. He thought that there would be only 60 supporting votes for an unrevised resolution, not counting the Latin Americans. Both delegations agreed to determine whether non-substantive changes would improve the situation and should be recommended to their governments.²

Two days later, they agreed to maintain a hard public line against any changes in the draft resolution or the treaty while privately working out amendments to both. These amendments, intended to gain wider co-sponsorship, would be in the nature of "cosmetic" changes and would not affect the substance of the treaty. While some elements of the Maltese amendments³ to the resolution might be accommodated, the Soviets agreed with our rejection of the assertion that the treaty would be valueless unless all nuclear powers supported it. They preferred to leave security assurances out of the resolution. Both delegations agreed to oppose any non-use language, since this would inevitably be divisive. The Soviets rejected the "free of charge" clause in the Maltese resolution. They were willing, however, to accept the first operative paragraph of the Japanese resolution.⁴

¹From New York, tel. 5277, May 22, 1968, Confidential.

²From New York, tel. 5127, May 14, 1968, Secret.

³See above, p. 372.

⁴From New York, tel. 5190, May 17, 1968, Secret/Lindis.
For the Japanese resolution, see above, pp. 359-360.

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In Washington, Secretary of State Rusk and First Deputy Foreign Minister Kuznetsov agreed to continue close collaboration between the two delegations and not to accept any changes that affected the basic substance of the treaty. Mr. Kuznetsov said that the Mexican proposal to include a reference to the Tlatelolco treaty in the resolution or the treaty caused serious difficulties for the USSR, which had reservations on the peaceful-explosions provisions of the Tlatelolco treaty and the wide areas it covered.

Secretary Rusk stressed that we would not enter into any additional alliance commitments in order to give security assurance. We had enough allies as it was and the Senate would not approve any others. Nor would we entertain the prospect of a possible war with the USSR in order to get a treaty. The Security Council approach was the only way possible for us. He added that perhaps only 25 or 30 people in the United States understood the real meaning of nuclear war. Mr. Kuznetsov commented that the Soviet Union understood it very well.

Secretary Rusk said that he thought the FRG would sign the treaty. On the place of signature, he said that we would have no objections to signing the treaty in Geneva. We were concerned about the questions of non-recognized states if all states were invited, however, and there was also a question of how many members would sign if signature was restricted to ENDC members. It might therefore be easier to use the procedure of the outer-space treaty and sign in the capitals of all three depositary powers. Mr. Kuznetsov said that the USSR preferred signature in Geneva. He thought that the question of non-recognized states could be taken care of.¹

On May 17 a Latin American working group comprising Garcia Robles (Mexico), Piñero (Chile), and Turbay (Colombia) met with Goldberg, Fisher, Kuznetsov, Roshchin, and their advisers. Ambassador Goldberg said that the basic problem was the difficulty and impracticability of opening the treaty negotiations to 124 states. This could precipitate additional

¹Memcon Rusk, Kuznetsov, et al., May 17, 1968, Secret/Exdis.

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amendments, widen disagreement, and result in referring the treaty to the ENDC again. Mr. Kuznetsov took a similar position.

Ambassador Garcia Robles stressed that Mexico did not wish to postpone the treaty and wanted it approved at the present session of the General Assembly. The Mexican proposals were suggestions, not amendments to be voted on. In his view, the Co-Chairmen could issue a revised draft treaty incorporating useful changes, as they had done in Geneva. The other Latin Americans also disclaimed any intention of postponing the treaty.

When the Colombian representative urged the USSR to sign protocol II to the Tlatelolco treaty, Mr. Kuznetsov expressed surprise at a suggestion that looked like a deal. He urged the Latin Americans not to tie the protocol to the non-proliferation treaty or make Soviet signature of the protocol a condition for supporting the treaty. The Latin Americans denied that they were linking the non-proliferation treaty to the protocol but hoped that the USSR would sign the latter.¹

In Mexico City, Foreign Secretary Carrillo Flores told Freeman that the Mexican Government did not advocate a "deal" on the protocol. He planned to make another effort to persuade Gromyko to sign it. If he did not succeed, he would accept the Soviet proposal for an exchange of notes whereby the USSR would accept the obligations of the protocol without actually signing it.²

On May 18 the American and Soviet delegations agreed ad referendum on a number of changes in the draft resolution. The language on peaceful uses and nuclear disarmament was revised, and a new preambular paragraph emphasizing the principles of the Charter on the non-use of force was added.

¹From New York, tel. 5199, May 17, 1968, Confidential.

²From Mexico, tel. 4982, May 18, 1968, Confidential.
For the Soviet proposal, see Mexico tel. 4568, Apr. 25, 1968, Confidential.

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In the operative part of the resolution, the General Assembly would commend the treaty rather than endorse it, and the ENDC and the nuclear powers would be requested to pursue disarmament negotiations.¹

The two delegations also discussed possible changes in the draft treaty. They agreed that the Mexican preambular paragraph on Charter obligations was desirable but needed redrafting.² The Soviets opposed the Mexican amendments to article IV but were willing to consider a revised version of the Chilean amendment,³ as well as the Nigerian amendment changing the first sentence to read:

All Parties to the Treaty undertake to facilitate the fullest possible exchange of scientific and technological information on the peaceful uses of nuclear energy...⁴

No decision was reached on the Mexican amendments to article V. The Soviets agreed that the three depositary governments should be the United States, the United Kingdom, and the Soviet Union. Article IX would be revised so that the treaty would enter into force when ratified by the three depositary governments (rather than all nuclear signatories) and 40 other states.⁵

Washington decided that the Mexican preambular paragraph should be revised to read:

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any

¹From New York, tel. 5222, May 18, 1968, Confidential/Lindis.

²For the Mexican amendments, see above, pp. 362-363.

³See above, p. 511.

⁴See above, p. 299.

⁵From New York, tel. 5221, May 18, 1968, Secret.

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other manner inconsistent with the purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

This language would track more closely with the U.N. Charter. By covering all states, not just U.N. members, it would help meet Japanese concerns about Communist China¹ and the FRG's desire for a clause about nuclear blackmail.²

The second paragraph of article IV would be changed to reach as follows:

All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the underdeveloped areas of the world.

These provisions would not override existing laws, policies, or regulations or oblige us to meet all requests.

A revised version of article V incorporated the Mexican amendments in modified form:

Each Party to this Treaty undertakes to take appropriate measures to insure that, in accordance with this Treaty, under appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-

¹See above, p. 361.

²See above, pp. 312-313, 328.

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weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to this Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Non-nuclear-weapon States Party to this Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

We understood the reference to "international observation" to require only a "reasonable opportunity for such observation." The change in article IX was approved.¹

On May 23 Ambassador Goldberg and Mr. Kiznetsov agreed to recommend the following changes in the treaty to their governments:

(1) The Yugoslav suggestion² would be incorporated in the ninth preambular paragraph, which would read: "Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and undertake effective measures in the direction of nuclear disarmament."

(2) A new preambular paragraph incorporating the language we had proposed.

(3) A revised second paragraph of article IV identical with our proposal, except that "underdeveloped" would be changed to "developing" at the end.

(4) Article V would be revised as we had proposed, and the Yugoslav suggestion that negotiations on peaceful nuclear explosion services should begin "as soon as possible after the Treaty enters into force" would be added as the penultimate sentence.

¹To New York, tel. 168158, May 21, 1968, Secret/Limdis.

²For the Yugoslav amendments, see above, pp. 373-374.

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(5) The previously discussed changes in article IX.

The Soviets had earlier suggested incorporating in article VI the phrase "including the cessation of the manufacture of nuclear weapons, reduction of their stock-piles and eventual complete prohibition and elimination of such weapons under appropriate international control," as the Romanians had proposed.¹ We informed the Soviets that we could not treat these measures apart from general and complete disarmament or accept complete prohibition even within the context of our plan for general and complete disarmament.² As Mr. Kuznetsov had recently told the First Committee that the Soviet Union was willing to discuss the limitation and reduction of strategic missiles, we tried to include a reference to them in the article, but the Soviets were not willing to separate this item from other nuclear measures.³

General Assembly action

The revised resolution was approved by the co-sponsors and submitted to the First Committee on May 28. 20 additional countries - including Italy, 13 Latin American nations, and two black African states - agreed to co-sponsor the new version. The UAR representative, who had joined in co-sponsoring the original resolution, spoke in favor of the treaty. The Israeli representative announced that he would support the resolution but asked for certain changes in the treaty.⁴ After Mr. Kuznetsov had made a final and unsuccessful

¹See above, p. 373.

²The reduction and elimination of nuclear weapons in stages II and III of the U.S. plan for general and complete disarmament were contingent on the success of a proposed stage I study of the problem; see below, chapter I.

³From New York, tel. 5306, May 24, 1968, Secret. For the Kuznetsov statement, see International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, p. 121.

⁴International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 122-123. The revised resolution was identical with the May 18 draft (see above, pp. 376-377), except that the preambular paragraph on the ENDC report omitted the word "deeply" from the phrase "deeply appreciative of the work of the Committee."

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attempt to persuade Goldberg to agree to the Romanian amendment to article VI, the revised treaty was circulated on May 31. It was then attached to the resolution.¹

At this late stage, the Yugoslavs brought up the idea of a separate resolution in which the General Assembly would invite the nuclear powers, pending a treaty banning nuclear weapons, to make declarations on non-use in conformity with part A of its resolution of November 17, 1966. Ambassador De Palma told Yugoslav delegate Božinović that this proposal would disrupt the consensus in favor of the resolution and seriously delay the vote. Moreover, the 1966 resolution gave undue prominence to the Kосygin formula. Mr. Kuznetsov later informed De Palma that he was trying to discourage the Yugoslavs.² The Yugoslavs decided not to press their proposal in the General Assembly but to surface it at the non-nuclear conference.³

The joint resolution was approved by the First Committee on June 10 and brought to the plenary General Assembly two days later. Complying with the German request,⁴ Ambassador Goldberg told the General Assembly that accession to the treaty would not affect "the recognition or status of an unrecognized regime or entity" and that we reserved the right to object if an unrecognized entity should seek to participate in the review conferences.⁵

The French representative announced that his country could not sign the treaty but would behave like the parties to the treaty. The General Assembly adopted the resolution by a vote of 95 to 4, with 21 abstentions. The four opponents - Albania, Cuba, Tanzania, and Zambia - were influenced by Communist China. Such important countries as Brazil, Burma,

¹From New York, tel. 5415, May 31, 1968, Confidential; International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 123-124, 160-165.

²From New York, tel. 5482, June 4, 1968, Confidential.

³From New York, tel. 5512, June 6, 1968, Confidential.

⁴See above, p. 334.

⁵Documents on Disarmament, 1968, pp. 435-436.

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France, India, and Spain were among the abstainers.¹ During the debate, the Indian representative had announced that New Delhi would not sign the treaty.² He had abstained, however, from fomenting opposition.

After the General Assembly approved the resolution, President Johnson addressed the General Assembly and called the treaty the most important disarmament agreement since the beginning of the nuclear age. The United States would move quickly to open the treaty for signature and to seek quick ratification. When the treaty had entered into force, we would "fully scrupulously discharge" our non-proliferation obligations, cooperate in bringing treaty safeguards into operation, facilitate the development of peaceful uses of nuclear energy, and continue research and development on nuclear explosions for peaceful purposes. We would vigorously pursue negotiations on nuclear disarmament. In that connection, we urgently desired early discussions on strategic arms limitations.³

Security Council Action on Security Assurances

The General Assembly debate showed that many non-nuclear nations were not convinced of the value of the tripartite security assurances proposal.⁴ Because of this sentiment and their inability to agree on a non-use formula, the United States and the USSR left security assurances out of the General Assembly resolution.

We nevertheless decided to seek early Security Council approval of the tripartite proposal. A canvass showed eight sure votes in the Security Council - the United States, the United Kingdom, the USSR, Nationalist China, Canada, Denmark, Hungary, and Paraguay. France, Algeria, and India would

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 125, 165-166.

²Ibid., p. 119.

³Ibid., pp. 125-126.

⁴For the tripartite proposal, see above, pp. 314-315, and p. 315, n. 4.

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probably abstain. Since nine votes were required for approval, additional support would have to come from Brazil, Ethiopia, Pakistan, or Senegal.

In a circular instruction of June 8, Washington explained that the momentum of the General Assembly resolution should provide impetus to favorable Security Council action. It was desirable to act in June, while an American was President of the Council, rather than to wait until July or August when there might be pressure for postponing action until the non-nuclear conference had met. It would be helpful for the Security Council to act before the Senate took up the treaty, and prompt action would probably encourage some states to sign the treaty when it was opened for signature.

The draft resolution and the declarations were no longer open to change. We explained that the resolution would help assure that the Security Council would be able to function with the cooperation of the nuclear powers, as the Charter intended. Referring to criticisms of the proposal, we said:

...Some non-nuclears have criticized the security assurances package because its implementation can be stymied by SC vote; they have suggested blanket protection by the nuclear powers against nuclear attack or threat. Specific references to the right of individual or collective self-defense are designed to meet some of these concerns. But for reasons the Embassies will appreciate, the US cannot undertake a commitment such as suggested nor can it assume new legal obligations as a consequence of the assurances it has offered...¹

We were able to obtain support from Ethiopia and Senegal. During the debate, the American, British, and Soviet representatives made the parallel declarations they had previously agreed on.² The tripartite resolution was approved

¹Circ. tel. 179447, June 8, 1968, Confidential.

²The U.S. declaration appears in International Negotiations on the Treaty on the Nonproliferation of Nuclear Weapons, pp. 166-167.

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June 19 by a vote of 10 to 0, with 5 abstentions (Algeria, Brazil, France, India, Pakistan).¹

Conclusion of the Treaty

Even before the May 31 draft treaty was tabled, the Soviet delegation in New York proposed a number of editorial changes in the text.² At the same time, we received a protest from the Germans about the language in the new preambular paragraph. Pointing out that the Charter contained two articles on ex-enemy states, they urged us to change the wording to "the principles of the Charter."³ We accepted most of the Soviet editorial changes. When our delegation discussed them with the Soviets, Ambassador De Palma urged Grinevsky to accept "the principles of" but the latter demurred and said that it would be a mistake to ask Moscow to approve this change. Our delegation reported that it was unlikely that the Soviets could be persuaded on this point without further discussion and delay, which might disclose the FRG interest in the question.⁴ The language was not changed.

As noted above, the Soviets had long favored signing the treaty in Geneva, but we had some doubts on this score because of the limited number of countries that would sign if only ENDC members participated and the difficulty of keeping the GDR away if others were invited. Mr. Kuznetsov had told Rusk that a way could be found to keep unrecognized states from participating.⁵ Mr. Foster preferred Geneva if 14 to 15 ENDC countries would sign.⁶ Although 14 ENDC members had voted for the General Assembly resolution, it was doubtful if so many would be ready to sign the treaty on short notice.

¹See *ibid.*, p. 155.

²From New York, tel. 5416, May 31, 1968, Confidential.

³To New York, tel. 174848, June 1, 1968 (misdated May 1, 1968), Confidential.

⁴From New York, tel. 5515, June 6, 1968, Confidential.

⁵See above, p. 375.

⁶Foster to Rusk, memorandum, May 16, 1968, Secret.

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On June 5, Foreign Minister Gromyko told Thompson in Moscow that Geneva might raise some delicate problems and that the Soviets would not object to adopting the procedure used for the outer-space treaty, i.e., signature in Washington, London, and Moscow.¹ On the next day, Ambassador Goldberg told Kuznetsov that he personally favored this procedure. Mr. Kuznetsov replied that the USSR favored a high-level Geneva signing but would agree to the alternative we had suggested.²

Since the Administration hoped to obtain Senate approval before the August adjournment, it was necessary to get the treaty signed by July 1. It was evident, however, that many important countries would not be prepared to sign the treaty on such short notice. State and ACDA therefore recommended that the treaty be initially signed in the three capitals by the depositary governments only and then opened for signature by other nations at a later date.

When Secretary Rusk proposed this procedure to Kuznetsov on June 14, the latter reacted negatively and expressed concern that it might slow down accessions by other governments. But Ambassador Goldberg thought that a major diplomatic effort might produce a respectable number of signatories by July 1.³

The treaty was opened for signature in Washington, London, and Moscow on July 1. At the Washington ceremony, President Johnson expressed the hope that virtually all nations would accept the treaty. It had three simple purposes - stopping proliferation, assuring the peaceful benefits of nuclear energy to non-nuclear nations, and committing the nuclear powers to move toward effective arms-control and disarmament measures. As we had promised the Germans,⁴ he declared that the United States would honor its

¹From Moscow, tel. 4111, June 5, 1968, Secret/Exdis.

²From New York, tel. 5511, June 6, 1968, Confidential; to New York, tel. 179496, June 8, 1968, Secret/Nodis; from New York, tel. 5541, June 10, 1968, Secret/Nodis.

³Memcon Rusk, Kuznetsov, et al., June 15, 1968, Secret/Exdis.

⁴See above, p. 331.

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obligations under existing security treaties. He announced that the United States and the Soviet Union had agreed to hold early strategic arms limitation talks.¹

More countries signed the treaty on July 1 than we had anticipated. No less than 62 countries signed, including the GDR, which affixed its signature at Moscow.² Nine ENDC members - Bulgaria, Czechoslovakia, Nigeria, Poland, Romania, the UAR, the United Kingdom, the United States, and the USSR - signed on the opening day. A number of key countries were missing from the list. Brazil and India were opposed to the treaty, and Pakistan would not sign unless India did. The Euratom countries had not received the green light from the European Commission. Canada, Sweden, and others that favored the treaty were unable to act on the short notice they had received. Many others had not yet made up their minds.

Euratom action

When it became evident in June that the treaty would soon be opened for signature, the Euratom Five asked the European Commission for an opinion on the legality of signing. The Commission ruled that those who wished to do so could sign. Since it believed that implementation of safeguards could interfere with obligations under the Euratom treaty, it added:

The Commission...judges that the member States can legally engage themselves with the NPT only on condition that the safeguards procedures assure the integral application of the Euratom treaty and, in its view, the means adequate to obtain the assurances necessary are to be found in the conclusion on Euratom's part of a verification agreement with IAEA.

¹International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 129, 168-173.

²See ibid., p. 168, n. 70.

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In any case, the Commission judges it necessary that the member States link their signature with a reservation that subordinates the entry into force of article III of the NPT to the condition that an agreement be concluded in application of the aforesaid article, an agreement which assures the safeguarding of the rights and obligations resulting from the Euratom treaty for the member States, and for the Community itself.

It therefore insisted that members postpone their ratification, or the deposit of instruments of ratification, until a satisfactory arrangement had been worked out with IAEA. Only then would the Commission be able to make a definitive finding that the non-proliferation treaty was compatible with the Euratom treaty.¹

The Commission further explained that a member state could either issue a "juridical reservation" or an informal declaration of its intent to delay final ratification until the IAEA-Euratom negotiations were completed. It introduced a draft interpretation which members might use, following the lines of the Dutch statement to the First Committee of the General Assembly.²

The Commission's action again raised the question of a formal legal reservation, which we had opposed in previous discussions.³ We now reaffirmed our objections to any formal reservation as unnecessary and likely to create difficulties for the treaty. We would not, however, object if governments wished to make statements of the Dutch type.⁴

The Euratom Five agreed among themselves that the Commission's requirements could be met by statements rather than formal reservations. Luxembourg signed the treaty on August 14 and the other two Benelux countries signed on

¹From Brussels, tel. 7940, July 10, 1968, Confidential.

²From Brussels, tel. 8003, July 12, 1968, Confidential.

For the Dutch statement, see above, pp. 356-357.

³See above, p. 443.

⁴Circ. tel. 202047, July 13, 1968, Confidential; from Brussels, tel. 8015, July 15, 1968, Confidential; circ. tel. 202634, July 15, 1968, Confidential.

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August 20. Both Luxembourg and the Netherlands issued brief statements that they would not ratify the treaty until an IAEA-Euratom agreement had been reached.¹ Belgium issued a somewhat longer statement in which it also mentioned collective security arrangements and said that the treaty should not impede European unification.²

The Italians planned to make a written or oral statement in which they would not only affirm the Euratom safeguards position but also declare that nothing in the treaty was detrimental to European unification, state that they would recognize no nuclear powers except the existing five, and note that existing security commitments would continue. We did not object to the content of the statement but urged them not to make it in written form.³

As noted above, we had previously assured the Italians that the treaty would not prevent us from supplying them with nuclear fuel for a warship.⁴ They now asked us to provide a similar assurance on nuclear fuel for aircraft propulsion.⁵ We gave them the assurance they sought. At the same time, we told them that the assurance covered only the treaty aspect of the question and that we were not committed to actually provide the fuel. Since the Joint Committee on Atomic Energy was cool toward military projects of this kind, they might consider civilianizing the project.⁶

After obtaining Parliamentary approval, the Italian Government planned to sign the treaty on August 26. But it reversed its position after the Soviet invasion of Czechoslovakia and took no further action on treaty signature during the Johnson Administration.

¹From Luxembourg, tel. 513, Aug. 14, 1968, Confidential, and The Hague, tel. 6729, Aug. 20, 1968, Unclassified.

²From Brussels, tel. 8813, Aug. 20, 1968, Unclassified.

³To Rome, tel. 209576, July 26, 1968, Confidential.

⁴See above, p. 138.

⁵To Rome, tel. 205809, July 20, 1968, Confidential.

⁶Memcon, Ortona, Stabler (State-EUR/AIS), et al.,

"Nuclear Fuel for Ship Propulsion," Aug. 2, 1968, Confidential; Rusk to Ortona, ltr., Aug. 9, 1968, Confidential.

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German problems

The Germans were not prepared to move as fast as the other non-nuclear Euratom countries. At the Reykjavik NATO meeting (June 23), Foreign Minister Brandt told Rusk that Kiesinger agreed to sign the treaty but that the FRG would not act until after the non-nuclear conference. He indicated that it might not be possible for the present Bundestag to ratify the treaty. And he asked for an exchange of notes on the interpretation of the treaty. Secretary of State Rusk replied that he would publicly disclose the interpretations to the Senate and later send his statement to the allies.¹

As previously noted, the Germans tried unsuccessfully to change the treaty's preambular paragraph on the U.N. Charter because of the possibility that the Soviets might claim the right to intervene in the FRG under the enemy states provisions of the Charter.² In a note of July 5, the Soviets in fact asserted that these Charter provisions still applied in full to the FRG.³ They thus not only brought a halt to their bilateral negotiations with Bonn on the renunciation of force but gave ammunition to German opponents of the treaty.

On July 23, Finance Minister Strauss told Rusk and E.V. Rostow that the Soviet note strengthened his concern about the treaty. He asserted that Kiesinger agreed with him that there should be assurances from the Soviet Union on treaty interpretations. Secretary Rusk replied that the Soviets understood our views and we did not expect them to publicly agree with us. If they objected, however, the question would arise as to whether there would be a treaty.⁴ We learned from the German Ambassador that Strauss intended to resign if the treaty was signed.⁵

¹Memcon Rusk, Brandt, et al. (US/MC/11), June 23, 1968, Confidential; from Reykjavik, tel. 537, Secto 8, June 24, 1968, Confidential. For the interpretations, see above, pp. 125-126, 157-159, 293-294.

²See above, p. 384.

³Documents on Disarmament, 1968, p. 487.

⁴Memcon Rusk, Strauss, et al., July 23, 1968, Confidential.

⁵Memcon Knappstein-Rostow, July 23, 1968, Secret/Limdis.

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Although Strauss's threat to resign might jeopardize the Grand Coalition at Bonn, the Kiesinger government apparently adhered to its intention of making a decision to sign in September. But it shelved this plan after the Soviet invasion of Czechoslovakia. Ambassador Lodge reported that the Soviet invasion had "brought about a marked change of ~~the~~ German attitude on the NPT toward the negative." German political leaders agreed that the treaty did not have a majority in the Bundestag, and they wished to await the effects of the invasion on the attitude of the U.S. Senate toward the treaty. He believed that any effort to pressure the Germans at this point "would be ill-advised and would tend to defeat its own purpose."¹

Japanese attitude

The Japanese Government originally planned to submit the treaty to the Diet at its next session, scheduled for December 1968. The exact timing of the Japanese signature was undetermined.² In the meantime, the Japanese initiated another round of bilateral safeguards discussions.³ Vice Foreign Minister Ushiba told Ambassador Johnson on October 10 that there was no chance that Japan would sign before the U.S. Senate approved the treaty.⁴

Israel

Although Israel had voted for the General Assembly resolution, she was not prepared to sign the treaty. Replying to Rusk's April letter,⁵ Foreign Minister Eban wrote on June 30 that Israel's national security must be her first concern. Pointing out that Israel was surrounded by hostile neighbors who were supported by the USSR, he said:

¹From Bonn, tel. 16314, Sept. 1, 1968, Secret/Limdis.
²Memcon Sengoku-Gleysteen, July 23, 1968, Confidential.
³See below, pp. 417-419.
⁴From Tokyo, tel. 12829, Oct. 10, 1968, Secret/Limdis.
⁵See above, p. 341.

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...As long as this situation remains unchanged, we cannot (with all our understanding of the international aspects of the problem) regard ourselves as in the same category as other States that are recognized by their neighbors, and have their peace and integrity assured by the major powers.

Moreover, we learnt last year with special incisiveness that Israel cannot realistically count on external military aid if she is attacked. It is in this situation that we are being asked to make commitments for at least twenty-five years. It is not surprising that we should devote profound thought to such an undertaking for the uncertain future, and that we are unable to divorce it entirely from the contemporary realities to which you refer.

As he saw it, the treaty itself could not assure Israel that nuclear weapons would not become available to her neighbors. Moreover, the effectiveness of the tripartite security assurances resolution would depend on joint action by the three powers, and one of them was openly hostile to Israel and had previously threatened her with missile attack.¹

Senate Consideration of the Treaty

Rusk report

As soon as the treaty was signed, the Johnson Administration took quick action to bring it before the Senate. On July 2, Secretary of State Rusk submitted a report to the President in which he noted that article I paralleled U.S. atomic energy legislation, which had always prohibited the transfer of nuclear weapons to other countries. The inter-

¹From Tel Aviv, tel. 4354, July 2, 1968, Secret.

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pretations of articles I and II that we had given the Soviets in April 1967 were enclosed with the report.¹ He also noted that the three principles on the interpretation of article III were an "integral part of the negotiating history."² He stated that the article on peaceful nuclear explosion services preserved the option of obtaining them through bilateral agreements.

While the provisions for signature and accession were designed "to permit the widest possible application of the treaty," adherence to the treaty would "in no way imply recognition or change in status of regimes" that we did not recognize. Finally, he said that the treaty was an "event of unique significance":

...Wide adherence to it will greatly reduce the threat of an increasing number of states with nuclear weapons at their disposal, and will thus enhance the security of the United States, its allies, and the rest of the world. At the same time, it will give new impetus to international cooperation in the peaceful uses of nuclear energy and to further efforts toward disarmament.³

Johnson message

President Johnson submitted the treaty to the Senate on July 9. In his message of transmittal, he said that it not only banned the spread of nuclear weapons but also promoted the peaceful development of nuclear energy under safeguards - the goal of the IAEA, which had been established as a result of Eisenhower's "atoms for peace" plan of 1953. He predicted that by 1985 the world's peaceful power stations would be producing enough by-product plutonium for the production of "tens of nuclear bombs every day." This must not be allowed to result in the further proliferation of nuclear weapons. More importantly, the treaty was "another step on the journey

¹See above, pp. 157-159.

²See above, p. 172.

³International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 173-180.

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toward world peace" and enhanced the prospects for disarmament. He urgently recommended that the Senate "move swiftly to enhance our security and that of the entire world by giving its consent to the ratification of the treaty."¹

Foreign Relations Committee hearings

The Senate Foreign Relations Committee began its hearings on July 10. Members of the Joint Committee were invited to participate. Since Senator Fulbright (Dem., Ark.) was engaged in a primary campaign, the hearings were chaired by Senator Sparkman (Dem., Ala.).

In his opening statement, Secretary of State Rusk said that proliferation would increase the risk of nuclear war, make arms-control agreements more difficult to conclude, and increase the risk of war by accident or unauthorized use of nuclear weapons. If introduced into historic international disputes, nuclear weapons could provoke preventive war by a nation which feared a nuclear attack by its rival. Proliferation would make it more difficult for us to maintain friendly relations with other countries, and it would interfere with economic growth in the less developed countries. "Despite our differences," he concluded, "the United States and the Soviet Union have a mutuality of interest in common with all humanity."²

Deputy Secretary of Defense Nitze told the Committee that the Department of Defense was concerned with the difficulties of "negotiating an effective treaty while, at the same time, assuring that it would not adversely affect our ability to meet our current mutual defense obligations." He believed that the treaty met this criterion. The treaty itself was not a final solution to the problem:

¹Ibid., pp. 181-183.

²Documents on Disarmament, 1968, pp. 493-497.

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I wish the committee clearly to understand that the Department of Defense is under no illusion that we need no longer worry about the proliferation of nuclear weapons. We recognize that the consummation of this treaty will not, of itself, guarantee against any possibility of another nation acquiring nuclear weapons. I do believe, however, that this treaty is the best that can be negotiated in the present world order, that it will gain wide adherence, and that the security of all nations will be increased proportionately with the signature and ratification of each new party.¹

General Wheeler said that the JCS judged arms-control measures by certain criteria. An agreement should not operate to the disadvantage of the United States and our allies or disrupt any existing defense alliances. These principles had been observed. Moreover, the JCS considered that any arms-control agreement should provide for effective safeguards and reliable verification procedures. Article III provided for safeguards under the IAEA. The JCS agreed with the objectives of the treaty and supported ratification.² Their views had been accepted during the treaty negotiations.³

Both Deputy Secretary Nitze and General Wheeler said that the treaty did not create any additional inhibitions on our national defense. As Mr. Nitze noted, we had not previously had any intention of proliferating nuclear weapons to other countries.⁴ Senator Pastore (Dem., R.I.), the Chairman of the Joint Committee on Atomic Energy, commented that opposing the treaty was "like being against the Ten Commandments."⁵ Congressman Holifield (Dem., Calif.), the Vice Chairman of the Joint Committee, strongly supported the treaty.⁶

¹Ibid., pp. 510-512.

²Ibid., p. 514.

³Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on Executive H, 90th Congress, Second Session (pt. 1), p. 63.

⁴Ibid., p. 62.

⁵Ibid., p. 115.

⁶Ibid., pp. 146 ff.

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Dr. Strausz-Hupé opposed the treaty because he felt that it did not provide effective safeguards and that it would adversely affect national security and alienate our allies.¹ Congressman Hosmer (Rep., Calif.) opposed the treaty on similar grounds. He also argued that the treaty was useless since the three nuclear powers which had signed it would not proliferate nuclear weapons anyway, while France and Communist China would not sign. Most non-nuclear nations lacked the resources to develop their own nuclear weapons in any case. Of those who had the resources, most would not go nuclear, but a few would if it involved their survival - "treaty or no treaty." He recommended that the Senate reserve its consent pending an independent and impartial examination of the treaty.²

Congressman Findley (Rep., Ill.) believed that the treaty would seriously undermine or destroy NATO if it was approved without reservation.³ Dr. Teller wished to preserve the option of providing the allies with defensive nuclear systems.⁴

Basic provisions

Besides repeating the April 1967 interpretations of articles I and II of the treaty,⁵ Secretary of State Rusk stated:

...It does not...affect the deployment of U.S.-owned and controlled nuclear weapons on the territory of our allies and the existing arrangements under which those weapons are present. It does not affect the closest consultation in, for example, the Nuclear Committee of NATO on all of the problems of strategy and the decisions which

¹Ibid., p. 129.

²Ibid., pp. 162-164.

³Ibid., pp. 173-174. For the Findley reservation, see below, p. 398.

⁴See below, pp. 397-398.

⁵See above, pp. 157-159.

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have to be made in that field. It does not, of course, apply to a situation of war. It does not interfere with the development of European unity if that unity moves to a significant unity involving a single control over the defense and foreign policy of the participating countries.¹

The interpretations of "manufacture" we had given the Australians appeared in the record as an extension of remarks by Mr. Foster.²

As the April 1967 interpretations showed, the treaty would not bar the succession of a federated European state to the nuclear status of one or more of its former components. Secretary Rusk explained that the treaty did not "require a nuclear country to become non-nuclear in order to enter into such a federation."³

Deputy Secretary of Defense Nitze said that our allies had been assured that the treaty would not interfere with existing nuclear arrangements. The April 1967 arrangements were "fully compatible with our security requirements."⁴ He believed that the treaty would prevent the transfer of nuclear weapons to a U.N. peacekeeping force. In his view, it would prohibit the transfer of nuclear weapons to any country, including the United Kingdom. It would not, however, prohibit the deployment of American nuclear weapons in other countries, as long as we retained control.⁵

An opposition witness, Dr. Strausz-Hupé, questioned the basic desirability of the treaty. He thought that we could well afford to give our friends nuclear weapons, "especially defensive nuclear weapons." He noted that we had agreed to drop our 1965 language, which would have permitted U.S. assistance to an MLF. In his view, the treaty did not permit

¹Nonproliferation Treaty: Hearings, p. 21.

²Documents on Disarmament, 1968, pp. 503-504 and above, pp. 157-159, 317.

³Nonproliferation Treaty: Hearings, p. 52.

⁴Documents on Disarmament, 1968, p. 511.

⁵Nonproliferation Treaty: Hearings (pt. 1), pp. 88-89.

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"the creation of an European defense association and other intermediate steps leading to the creation of a European federal state, possessed of effective nuclear defense." Even if our interpretation was valid, Europe would be blocked from all interim solutions leading to full union. If a European federation should be established, we could not support it in developing a collective nuclear deterrent. Since the treaty did not distinguish between offensive and defensive nuclear weapons, the non-nuclear members of NATO would be unable to develop ABM systems.¹

Congressman Holifield testified that the Joint Committee on Atomic Energy could "take some credit for the demise of the MLF." He noted that General Wheeler and other military leaders had stated that existing nuclear defense arrangements were satisfactory. Those who opposed the treaty did not take adequate account of our long and consistent opposition to proliferation or of the risk that weapons transferred to other nations might be used for purposes contrary to the original intent of the United States, as had actually happened in connection with some conventional arms transfers.² The treaty would not prevent the deployment of ABMs in allied countries as long as the devices remained in U.S. custody and control.³

This was one of the aspects of the treaty which concerned Congressman Hosmer, who charged that it surrendered "a valuable U.S. option to selectively proliferate defensive nuclear systems to allies in situations less than actual war if it ever becomes vital to our national security to do so." In his view, the treaty's ban on ABM transfers might make "hard pressed countries...go nuclear on their own and in the process acquire an offensive as well as a defensive capability."⁴

Dr. Teller also wished to keep open the option of giving ABMs to the allies. He suggested that it might be possible to develop a purely defensive system enabling us to sell

¹Ibid., pp. 133-134.

²Ibid., pp. 148-149.

³Ibid., pp. 159-161.

⁴Ibid., p. 163.

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the devices to the allies while preserving the secrecy of warhead design. He therefore thought that the Senate should state in approving the treaty that it did not intend to preclude the deployment of purely defensive systems, if and when they became available.¹ Congressman Findley recommended a reservation "preserving the option to establish an Atlantic Alliance nuclear defensive system."²

Disarmament

Senator Cooper (Rep., Ky.) asked whether we should not defer deployment of an ABM system in the light of article VI, until the result of the planned strategic talks with the Soviet Union was known. The Department of State agreed with Secretary of Defense Clifford's view that our ABM deployment decision was "consistent with our continuing desire for arms control and arms limitation."³

Secretary Rusk said that the treaty did not affect the possible emplacement of nuclear weapons on the ocean floor by the nuclear powers, although it had "a good deal to do with presently non-nuclear powers."⁴

Referring to the preambular paragraph on disarmament, Deputy Secretary of Defense Nitze said that general and complete disarmament would be imprudent without "full and complete verification," and General Wheeler agreed. The latter also agreed with Senator Sparkman's view that we would never agree to completely destroy nuclear stocks or stop the manufacture of nuclear weapons "unless we felt absolutely assured that our security interests would be protected." Both indicated that any further disarmament agreement would be subject to Senate approval.⁵

¹Ibid., pp. 181-189.

²Ibid., p. 175.

³Documents on Disarmament, 1968, p. 504.

⁴Nonproliferation Treaty: Hearings, pt. 1, p. 53.

⁵Ibid., pp. 58-59.

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Congressman Hosmer testified that the Soviets had greatly increased their nuclear forces during the treaty negotiations. He recommended that the Senate take measures to assure that they did not use future negotiations to upset the strategic balance.¹

Peaceful nuclear explosions

The Department of State said that the IAEA would be a suitable international body and the appropriate forum for developing procedures to implement article V. This article preserved the bilateral option, but would also provide an opportunity for international observation of explosions carried out under bilateral arrangements.² Deputy Secretary of Defense Nitze did not consider the absence of other safeguards relevant because the nuclear material would never leave "the possession and control of the nuclear power involved."³

AEC Chairman Seaborg also believed that the IAEA should be the international body. We fully intended "to be one of the principal suppliers of...explosion services," and we planned to demonstrate this by a series of steps:

We will continue to conduct, within the limitations of available funds, an active program to develop nuclear explosion devices particularly suited for peaceful applications and to develop the technology for using nuclear explosions in a variety of peaceful applications. Let me emphasize that the technology of using nuclear explosions for peaceful purposes is still in a relatively early stage of development. Considerable effort is still required to apply our basic knowledge to specific commercial applications and we have much to learn about the industrialization of operations and the design of supporting equipment.

¹Ibid., pp. 165-166.

²Documents on Disarmament, 1968, pp. 506-507.

³Nonproliferation Treaty: Hearings, pt. 1, p. 91.

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Our domestic research and development program is addressing all of these facets, but it will be several years before optimum nuclear explosive designs and the technology for all applications of nuclear explosions will be developed to the stage of commercial use. However, beginning in the near future, we hope some applications will become economically attractive and will be exploited even as the technology continues to develop.

We would provide non-nuclear parties with information - except information on the design or manufacture of devices - and technical advice and assistance. We would not exclude cooperative experiments abroad. Ultimately, explosion services would be available on a commercial basis:

When particular applications are found to be feasible, we plan to make a nuclear explosion service available on a commercial basis to domestic users and to nonnuclear weapon parties to the NPT. Such a service would include the fabrication of the nuclear explosive device, its transportation from the assembly plant to the project site, its emplacement at the prepared site, and its arming and firing. The service would also include appropriate technical reviews of the proposed detonation, such as those relating to health and safety. The users of the service, whether it is furnished domestically or pursuant to article V, will pay for the service in accordance with rates established for its various elements...

Dr. Seaborg said that meeting the requirements of the limited test-ban treaty would not be difficult for underground projects, but the limited test-ban treaty would have to be modified to permit us to provide nuclear explosion services for such projects as the excavation of a trans-isthmian canal with nuclear explosives.¹ The negotiations

¹Documents on Disarmament, 1968, pp. 522-524.

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on the non-proliferation treaty should make it easier to amend the limited test-ban treaty.¹ Certain peaceful nuclear explosions could, however, be carried out without amending the treaty, e.g., deep underground explosions to recover oil and gas.²

In a supplementary statement, AEC said that international observers would not be given access to sensitive information regarding the explosive devices. It thought that IAEA would be the appropriate international organization to be invited to carry out observation of peaceful nuclear explosions. If the invitation was made in good faith with reasonable notice, the obligation would be discharged even if the observers did not appear. Since the devices would remain in the custody and control of the supplying state, it would not be possible for an international organization to account for the fissionable materials involved.³

Peaceful uses of nuclear energy

Deputy Secretary of Defense Nitze said that military nuclear activities not directly related to the production of warheads were exempt from safeguards. A non-nuclear party could develop a nuclear submarine, since that was not a weapon.⁴

AEC Chairman Seaborg believed that the treaty should enhance progress in peaceful uses and facilitate the continuation and expansion of U.S. assistance programs. Since the treaty would enhance the security of the United States and many other countries, he said, "our cooperation with these [signatory] countries can and should be intensified."⁵

¹Nonproliferation Treaty: Hearings, pt. 1, p. 117.
Dr. Seaborg estimated that it would be 5 to 10 years before nuclear excavation of the canal was practicable, "with maximum funding and with an appropriate interpretation of the Limited Test Ban Treaty" (ibid., p. 109).

²Ibid., p. 127.

³Documents on Disarmament, 1968, pp. 524-528.

⁴Nonproliferation Treaty: Hearings, pt. 1, pp. 64-65.

⁵Documents on Disarmament, 1968, p. 521.

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Safeguards

The Department of State held that the treaty would not prevent the transfer of nuclear material or equipment to non-parties if the material was subject to the safeguards required by article III.¹ Mr. Foster told the Committee that there were no provisions for checking on clandestine activities.² The JCS considered that the safeguards would provide adequate verification.³

AEC Chairman Seaborg was sure that the concerns of non-nuclear nations about industrial espionage would be proven groundless. Our offer to accept safeguards showed that we sought no commercial advantage. While he recognized that the IAEA staff would have to be enlarged to carry out its additional tasks, he was confident that IAEA could recruit the necessary number of people. The cost would represent "no more than 1 percent of the cost of the electricity produced in nuclear powerplants." Since the IAEA and Euratom safeguards systems were compatible and IAEA would wish to take advantage of Euratom procedures, he believed that the two organizations would be able to work out a mutually satisfactory arrangement.⁴

He saw no indication that France would object to an IAEA-Euratom agreement. If a signatory declared that it would accept only Euratom safeguards, he thought that "such a reservation would go against the guts of the Treaty."⁵

ACDA informed the Committee that IAEA safeguards under present practice did not apply to uranium mines and ore-processing plants. IAEA safeguards commenced with the uranium concentrate the ore-processing plants produced, and the treaty required no change in this practice. But uranium ore could not be exported to non-nuclear states unless safeguards were applied to the "material derived from this ore in the recipient state." Safeguards would be applied to

¹Ibid., p. 505.

²Nonproliferation Treaty: Hearings, pt. 1, p. 52.

³Ibid., pp. 63-64.

⁴Documents on Disarmament, 1968, pp. 518-520.

⁵Nonproliferation Treaty: Hearings, pt. 1, pp. 106-107.

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an imported reactor even if the host country supplied its own fuel, because the reactor would produce plutonium, which was a "special fissionable material."¹

Congressman Hollifield admitted that the existing IAEA system needed improvement. No matter how much it cost, however, it would be far more costly if there was no non-proliferation treaty or IAEA system.² AEC subsequently supplied the Committee with a memorandum on IAEA safeguards costs. The IAEA budget for 1969 allocated \$928,000 for safeguards. Future estimates covering nuclear power plants and related fuel plants in all countries were as follows:

<u>Year</u>	<u>Manpower</u>	<u>Cost</u>
1971	775	\$ 29,800,000
1975	956	40,100,000
1980	1,302	60,600,000
1985	1,766	93,500,000
1990	2,374	143,400,000 ³

Congressman Hosmer noted that there were no safeguards on giving or receiving nuclear weapons. He considered the IAEA system completely inadequate even for declared facilities and pointed out that IAEA inspectors would have no right to look for clandestine activities. By using the centrifuge or nozzle processes or developing pure fusion explosives, countries could cheat in "small and easily hidden plants."⁴ Congressman Findley agreed that the safeguards provisions were meaningless.⁵ Dr. Teller said that a treaty permitting 18 months delay before negotiations on safeguards began was not worth having.⁶

¹Ibid., p. 115. Cf. the U.S. replies to South Africa (above, pp. 368-371).

²Nonproliferation Treaty: Hearings, pt. 1, pp. 149-150.

³Ibid., pp. 153-155.

⁴Ibid., p. 164.

⁵Ibid., p. 175.

⁶Ibid., p. 182.

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Sanctions

In response to Senator Lausche (Dem., Ohio), Secretary of State Rusk said that there were no punitive provisions in the treaty:

The treaty itself does not attempt to deal with the question of sanctions in the event of violation. The great overriding sanction is that the treaty reflects very important underlying national interests, national security interest considerations, for the signatories, and this is true of the nuclear countries. So that the treaty itself would collapse if there were serious violation.

He added that a treaty concluded by more than 100 nations on such an important question was "a pretty solemn and formidable treaty," and he did not think that a signatory would "take lightly the idea of violating the treaty."¹

Security assurances

Secretary Rusk said that the Security Council resolution and the U.S. declaration did not impose any additional responsibilities beyond existing U.N. Charter obligations. It was politically important, however, that three of the five permanent members recognized that a nuclear aggression or threat fell within the responsibility of the Security Council, and this might have a deterrent effect on those who contemplated such aggression. There was no unilateral U.S. commitment to provide a guarantee against nuclear blackmail, and any U.S. action would be taken through the Security Council.²

Referring to German concern about the possible dissolution of NATO, he said that dissolution might be interpreted by some countries as grounds for withdrawal from the non-proliferation treaty. We were not seeking to amend the North Atlantic Treaty.³ The President's July 1 statement did not amend our security treaties in any way.⁴

¹Ibid., p. 29.

²Ibid., pp. 15-17.

³Ibid., pp. 42-43.

⁴Ibid., p. 47. For the President's statement, see above, pp. 385-386.

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Deputy Secretary of Defense Nitze believed that the tripartite resolution added significantly to the security of the non-nuclear parties, "not by increasing security commitments but by giving evidence to all nations that both the United States and the Soviet Union share the utmost concern in preventing any act or threat of aggression with nuclear weapons."¹ We were not giving the FRG a guarantee against nuclear attack even if NATO should be dissolved.² Although it was important for the FRG to adhere to the treaty, he said, "we have no obligation to Germany, we have made no special arrangements with Germany and have no such intention."³

Congressman Hosmer stated that the treaty would extend our security arrangements to all treaty signatories and thereby "increase our opportunities to get involved in someone else's troubles by 250 percent." He recommended that the Senate state that "the security assurance is meaningful to the extent that we will be 'concerned to the utmost' if some country becomes the victim of nuclear aggression or blackmail, but that it is meaningless insofar as rushing to its rescue is concerned."⁴ Congressman Findley thought that the guarantees against nuclear blackmail were empty.⁵

Withdrawal

Asked what events short of general war might lead the JCS to recommend withdrawal from the treaty, General Wheeler replied:

I would think that if we detected serious violations of the treaty provisions, that is, regarding the proliferation of nuclear weapons to non-nuclear states that would be hostile to us, we would be justified in examining our position and perhaps recommending to the President that we withdraw from the treaty.⁶

¹Documents on Disarmament, 1968, p. 511.

²Nonproliferation Treaty: Hearings, pt. 1, p. 80.

³Ibid., p. 86.

⁴Ibid., p. 165.

⁵Ibid., p. 175.

⁶Ibid., p. 78.

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Report of the Foreign Relations Committee

ACDA believed that the hearings had gone well and that there was a good chance that the Senate would approve the treaty before it adjourned. But the Soviet invasion of Czechoslovakia (August 20-21) dimmed hopes for early Senate action, as it also checked the treaty's progress in the international arena.¹

The Johnson Administration still pressed for early approval of the treaty. The President told his news conference on September 6 that the treaty was "very much in the interest of the United States, despite any recent developments."² Three days later, Secretary of State Rusk urged Senate approval in an executive session of the Foreign Relations Committee. In a statement to the press, he acknowledged that the Soviet invasion had complicated the international situation. He stressed, however, that the treaty was not a bilateral American-Soviet agreement but a world-wide treaty which would be good even if there were no Soviet Union.³ On the other hand, Mr. Nixon expressed support for the treaty but favored a delay in Senate action until the "posture and intentions of the Soviet Union toward Czechoslovakia and other nations of Central and Western Europe can be reassessed."⁴

On September 17 the Foreign Relations Committee approved the treaty by a vote of 13 to 3, with 3 abstentions.⁵ In its

¹See below, p. 410.

²Weekly Compilation of Presidential Documents, Sept. 9, 1968, p. 1311.

³New York Times, Sept. 10, 1968.

⁴Documents on Disarmament, 1968, p. 625.

⁵New York Times, Sept. 18, 1968. The Committee members voted as follows:

For - Carlson (Rep., Kan.), Case (Rep. N.J.), Church (Dem., Id.), Clark (Dem., Pa.), Cooper (Rep., Ky.), Fulbright (Dem., Ark.), Gore (Dem., Tenn.), Mansfield (Dem., Mont.), McCarthy (Dem., Minn.), Morse (Dem., Ore.), Pell (Dem., R.I.), Sparkman (Dem., Ala.), Symington (Dem., Mo.).

Against - Dodd (Dem., Conn.), Lausche (Dem., Ohio), Mundt (Rep., S.D.).

Abstaining - Aiken (Rep., Vt.), Hickenlooper (Rep., Iowa), Williams (Rep., Del.).

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report (September 26), the majority recommended approval of the treaty without reservation. It saw in the treaty a recognition by the United States, the United Kingdom, and the Soviet Union of a "common interest in building barriers to the very real threat of mutual annihilation" inherent in nuclear proliferation. The nuclear parties also recognized their responsibility to compensate the non-nuclear parties by making further efforts for disarmament, as well as pledging themselves to act through the Security Council to safeguard the security of non-nuclear states which signed the treaty.

The report noted that the treaty would have the effect of freezing American policy:

...although U.S. statutes have forbidden the transfer of nuclear weapons to other states or associations of states, this prohibition was heretofore a national decision subject to revision of U.S. law. The pending treaty will turn this self imposed limitation into an international prohibition that can be revised only by the process of amending the treaty, by U.S. withdrawal from the treaty or by a war situation. For example, it has long been the United States position not to transfer nuclear weapons to any European federation. Heretofore this position could have been changed by the President and the Congress; if the pending treaty comes into force there will be another, perhaps insurmountable, obstacle to any such change.

After citing Administration testimony that the IAEA safeguards system would have to be improved and strengthened and noting the absence of safeguards against clandestine activities, the report referred to the Administration view that the treaty would prohibit us from providing nuclear material for peaceful purposes to non-nuclear states which did not adhere to the treaty:

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...Administration witnesses took the position that nuclear weapon states party to the treaty would be subject to an undertaking not to provide nuclear material to any nonnuclear-weapon state for peaceful purposes unless the material was subject to safeguards resulting from an agreement with the IAEA. The United States was confident that no such situation would develop, according to the testimony before the committee. It was left unclear, however, how the United States would react if such a situation did develop.

Article V would probably stimulate interest in amending the limited test-ban treaty.

The Committee did not consider that the Security Council resolution or the U.S. declaration created any new commitments.

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Non-proliferation Treaty. This resolution and the accompanying declaration, are solely executive measures. However, because these actions are linked politically to the treaty, the connection could convey the impression that approval of the treaty by the Senate also means approval of the Security Council resolution. For this reason, the committee wishes to make the record clear that support of the Non-proliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration. It is appropriate, however, for the committee to express its interpretation of the United Nations resolution on security guarantees, since the pledge and resolution bear upon the constitutional right of the Senate to approve formal security commitments by the United States and upon the constitutional right of the Congress to declare war.

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The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration in no way involve a ratification of prior commitments or establish new commitments. In the event that action is contemplated by the United States, by reason of its declaration in the Security Council, such action can only be taken with due regard to proper Constitutional processes.

Although the Security Council resolution and the U.S. declaration created no new commitments, they closed an option. Before the resolution was passed, we had the option of calling a case of aggression or threatened aggression to the attention of the Security Council, but we now had an obligation to do so. We had therefore given up some of our diplomatic flexibility. Moreover, we had also given up the theoretical possibility of transferring nuclear weapons to our allies. The Committee believed that "the possible future costs of renouncing this option" were overshadowed by the advantages of controlling proliferation.

The Committee was concerned that few near-nuclear states had yet signed the treaty. It therefore urged the President to delay depositing the U.S. instrument of ratification until he had received "positive assurances" that a majority of them would adhere to the treaty. Otherwise, the treaty would become "little more than a pious declaration of intent."

The only "commitment" it saw in the treaty was the obligation of the nuclear parties to move toward nuclear disarmament. It was concerned, however, about the possibility that we would be called upon to provide nuclear explosive services to any non-nuclear party "regardless of its relationship to the United States" and without regard to "the relationship and importance" of foreign projects to the U.S. public interest. The Committee rejected any interpretation of article V as an "open ended commitment" and stated that research and development projects should be undertaken only after consultation with the appropriate Congressional committees.

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While several members had favored deferring action on the treaty until January because of the flagrant Soviet violation of treaty commitments in the invasion of Czechoslovakia, the majority felt that the treaty was multilateral and that any delay was inadvisable. It concluded that the treaty was in the best interest of the United States and that its eventual success would depend on wide acceptance by near-nuclear countries, the effectiveness of the safeguards, and progress toward cessation of the nuclear arms race.

In a minority report, five Senators urged delay, both for substantive objections to the treaty and because of the Soviet invasion of Czechoslovakia. They cited four "unresolved substantive questions":

- (1) It was questionable whether IAEA could prevent cheating.
- (2) The treaty could injure our relations with Euratom by requiring us to cut off nuclear assistance to its members.
- (3) Article V could require us to provide "nuclear engineering projects at the request of countries from Afghanistan to Zambia," at our expense.
- (4) It was not known how much we would have to pay for an expanded IAEA safeguards system. It would also be prudent for the Senate to await the outcome of the non-nuclear conference before taking any action.

The impact of the Czechoslovak events was even more fundamental. If the treaty was to be effective, it would require Soviet cooperation, but there was "no way to monitor effectively the Soviet Union's performance of its obligations under the Non-proliferation Treaty." Since the Soviet Union had violated the U.N. Charter and other solemn treaty commitments by occupying Czechoslovakia, they questioned whether this was an appropriate time to "take Soviet promises on faith." If the choice was now or never, they admitted that it might be wiser "to sacrifice our scruples and dismiss our doubts." But the real choice was Senate action now or

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"some time next year," and they saw no need for early action in view of the failure of many key countries to even sign the treaty.¹

The treaty had not yet been voted on when Congress adjourned on October 14. Although President Johnson later talked about calling a special session of the Senate after the November election, he did not do so. When he left office on January 20, the treaty was still pending.

Conference of Non-Nuclear-Weapon States
(August 29-October 2, 1968)

The Conference of Non-Nuclear-Weapon States (NNC) was attended by the representatives of 96 nations. The United States and the Soviet Union had agreed in the General Assembly that it should be held,² but they were still concerned that it might impede the non-proliferation treaty. Both agreed that the NNC should not be allowed to develop into a permanent organization. After some hesitation, they decided to attend the conference. Although their representatives were entitled to do so, they did not speak in the public proceedings or submit papers to the conference.

The NNC agenda included security assurances, nuclear-free zones, nuclear disarmament, safeguards, peaceful uses of nuclear energy, and peaceful nuclear explosive services. Our delegation was instructed to explain that we could not go beyond the Security Council resolution on security assurances³ or make a generalized commitment on non-use along the lines of Additional Protocol II to the Tlatelolco treaty.⁴

¹Documents on Disarmament, 1968, pp. 642-661. The minority report was signed by Senators Mundt, Hickenlooper, Williams, Dodd, and Lausche. In an individual statement, Senator Dodd criticized the "incomplete nature" of the safeguards article. Senator Aiken appended a statement in which he said that there should be "some definite understandings...with respect to the economic responsibilities of this country before the treaty is voted upon."

²See above, p. 288.

³See above, pp. 308-311.

⁴See below, chapter D.

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We felt that the IAEA was the competent international organization to work out the modalities of safeguards and to receive any reports on peaceful nuclear assistance. We saw no need for a new international body. Nuclear disarmament was a problem for the nuclear powers in the first instance, and it would be a mistake for the conference to try to set up priorities. Because of the Soviet position on verification, it would not be realistic to propose an inventory of fissionable materials for weapons and non-weapons purposes, as some had suggested. We strongly opposed any new international organization for peaceful nuclear explosive services.

In our view, the conference was a "one-shot affair"; the Disarmament Commission, the First Committee of the General Assembly, and the ENDC, as well as the review conference under the non-proliferation treaty, were forums where non-nuclear nations would be able to express their views on disarmament.¹

Security assurances

Several security assurances proposals emerged during the conference. Yugoslavia broached a resolution reviving the Ethiopian proposal for a non-use convention and calling on states to issue unilateral declarations incorporating the Kosygin proposal until a convention was concluded.² India proposed to amend the Yugoslav resolution by dropping the Kosygin formula and substituting language which would recognize that the use or threat of use of nuclear weapons against a non-nuclear state would create a situation in which the Security Council, especially its nuclear members, would have to act immediately. The resolution would reaffirm the inherent right of individual or collection self-defense until the Security Council had taken the necessary measures. Unlike the Security Council resolution, the Indian

¹To Geneva, tel. 228661, Aug. 27, 1968, Confidential.

²From Geneva, tel. 4795, Sept. 12, 1968, Confidential. For the Ethiopian proposal, see below, Chapter K-6. The Kosygin proposal is discussed above, p. 51.

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proposal did not link security assurances to the non-proliferation treaty.¹ Neither of these resolutions were surfaced.

A Pakistani resolution would urge the nuclear powers to refrain from the use or threat of use of nuclear weapons against any non-nuclear nation which had renounced nuclear weapons and had none on its territory. It would also recommend to the permanent members of the Security Council which had supported the June resolution that they undertake to provide immediate assistance to any non-nuclear nation which had renounced nuclear weapons and was the victim of a nuclear attack or threat. The nuclear powers would undertake to act affirmatively through the Security Council in such a situation and to respond to a request for immediate assistance from a state which had renounced nuclear weapons until the Security Council had taken the necessary measures.²

The Soviets told our delegation that they did not find the Yugoslav or Pakistani resolutions acceptable, principally because they did not restrict the benefits of the Kosygin formula to parties to the non-proliferation treaty. As during the General Assembly session, they wished to prevent resolutions unacceptable to either superpower.³

After further discussion within the Afro-Asian group, the Pakistanis dropped the Kosygin formula. We still considered the resolution unacceptable, and the Pakistanis did not bring it to a vote.⁴ Also stillborn was a proposal by Uganda, Tanzania, and Zambia for a conference to conclude a convention or protocol to the non-proliferation treaty providing that the non-nuclear powers would not attack non-nuclear nations or each other and that parties would come to the aid of any state attacked by nuclear or conventional weapons.⁵

¹From Geneva, tel. 4870, Sept. 18, 1968, Confidential. For an earlier version of the Indian amendment, see Geneva, tel. 4822, Sept. 14, 1968, Confidential.

²From Geneva, tel. 4795, Sept. 12, 1968, Confidential.

³From Geneva, tel. 4796, Sept. 12, 1968, Confidential.

⁴A/CONF.35/C.1/L.11; from Geneva, tel. 5031, Sept. 25, 1968, Confidential.

⁵A/CONF.35/C.1/L.4.

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There was much stronger support for a Latin American resolution recommending that the General Assembly convene a conference for concluding an agreement whereby the nuclear powers would undertake to adopt the appropriate measures to assure the security of all non-nuclear states.¹ On September 26 the First Committee approved (12 to 1, with 68 abstentions) a Pakistani amendment referring to the principle of "an acceptable balance of mutual responsibilities and obligations between the nuclear and non-nuclear States." It then adopted the amended resolution by a vote of 40 to 17, with 25 abstentions. But additional opposition was mustered in the plenary conference (September 27), where the resolution failed by one vote to obtain the necessary two-thirds majority because the Dahomeyan representative, who had supported it in the First Committee, did not arrive in time for the voting.²

Other initiatives came from our allies. The Belgian observer at Geneva floated the idea of a resolution which would invite the nuclear powers to "solemnly subscribe, individually or collectively, and without detriment to the right of legitimate or collective defense reaffirmed in the United Nations Charter, to the commitment not to lend themselves, directly or indirectly, and in any place (territory) whatsoever, to any military initiative whatever involving or engaging the use of nuclear weapons or the

¹A/CONF.35/C.1/L.3/Rev 2.

²The vote was 39 to 20, with 19 abstentions:

For - Afghanistan, Algeria, Argentina, Bolivia, Brazil, Cameroon, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, FRG, Ghana, Guatemala, India, Indonesia, Iran, Israel, Jamaica, Japan, Kenya, Laos, Madagascar, Mauritius, Nigeria, Pakistan, Paraguay, Peru, Republic of Vietnam, Romania, Spain, Switzerland, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

Against - Australia, Belgium, Bulgaria, Canada, China, Czechoslovakia, Denmark, Finland, Greece, Hungary, Ireland, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Sweden, Thailand.

Abstaining - Austria, Burma, Ceylon, Ethiopia, Iraq, Italy, Ivory Coast, Jordan, Lebanon, Libya, Liechtenstein, Malta, Mexico, Morocco, Philippines, Portugal, Saudi Arabia, Somalia, South Africa, South Yemen, Syria, Tunisia, Turkey, UAR, Yemen.

The President of the conference ruled that 40 votes were necessary for a 2/3 majority and the Latin Americans, after vigorously disputing the ruling, did not demand a vote on its validity.

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threat to use such weapons."¹

FRG Ambassador Schnippenkoetter favored a resolution condemning all use of force contrary to Charter principles. When this proposal encountered British and Canadian criticism, he acknowledged that it did not deal with the problem of nuclear defense against overwhelming conventional attack - a problem which had always concerned German strategists. He then proposed that the nuclear powers should "undertake not to use or threaten to use nuclear weapons against any non-nuclear-weapon State, unless requested to act according to a decision by the Security Council or to assist in the exercise of the right of self-defense."²

The Belgian and German proposals were referred to the North Atlantic Council, and Ambassador Cleveland was instructed to oppose them. In view of our experience with our previous non-use proposal, we did not consider it possible for the non-nuclear conference to develop a broadly acceptable formula, due to the wide variety of conflicting interests of Western alliances, non-aligned, East bloc, and especially of nuclear-weapon states, whose support would be required for any meaningful assurances."³

At the September 18 meeting of the NAC, Ambassador Cleveland was supported by the British representative, who pointed out that the search for a compromise would create security problems for NATO and argued that the Belgian and German proposals were unlikely to prove fruitful. The Belgians withdrew their proposal, and the German representative said that the FRG would not push its formula over substantive objections.⁴

Although Ambassador Schnippenkoetter dropped his formula on the non-use of nuclear weapons for aggressive purposes, he continued to press a resolution on the general non-use of force. Commenting on the initial draft, Ambassador

¹From Geneva, tel. 4788, Sept. 12, 1968, Confidential.

²From Geneva, tel. 4869, Sept. 17, 1968, Confidential.

³To USNATO, tel. 240335, Sept. 18, 1968, Secret.

⁴From USNATO, tel. 4784, Sept. 19, 1968, Confidential.

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De Palma told him that it would be criticized for failing to refer to the U.N. Charter and that some would see it as an attempt to introduce the Czechoslovak issue in the General Assembly.¹ Our delegation thought that we should maintain an "essentially hands-off attitude" but suggest adding a reference to article II of the U.N. Charter and deleting the appeal to the General Assembly.² Washington felt that the new German draft still raised many problems, since it contained a non-use formula and appeared to create assurances apart from the Charter. We could not support it and believed that it should be subject to further NATO consultation.³

In spite of our opposition, the Germans tabled their resolution. They added a reference to article II of the Charter and dropped the appeal to the General Assembly. In its final form, the operative paragraphs of the resolution read as follows:

1. The NNC Reaffirms

(i) the principle, indivisible in its application, of the non-use of force and the prohibition of the threat of force in relations between States by employing nuclear or non-nuclear weapons, and the belief that all States without exception have an equal and inalienable right to enjoy the protection afforded by this principle, recognized under Article 2 of the United Nations Charter;

(ii) the right to equality, sovereignty, territorial integrity, non-intervention in internal affairs and self-determination of every State;

(iii) the inherent right, recognized under Article 51 of the United Nations Charter, of individual or collective self-defense which,

¹From Geneva, tel. 4928, Sept. 20, 1968, Confidential.

²From Geneva, tel. 4941, Sept. 20, 1968, Confidential.

³To Geneva, tel. 242795, Sept. 20, 1968, Confidential.

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apart from measures taken or authorized by the Security Council of the United Nations, is the legitimate exception to the overriding principle of the non-use of force in relations between States,

2. Requests the nuclear-weapon States to reaffirm these principles on their behalf.

In the First Committee, there were separate votes on each part of operative paragraph (1). Part (i) was approved 60 to 0, with 18 abstentions, part (ii) 60 to 0, with 21 abstentions, and part (iii) 47 to 0, with 33 abstentions. The resolution as a whole passed 50 to 5, with 25 abstentions.

The voting lineup was similar in the plenary conference (September 27), where the third part of operative paragraph (1) was approved 48 to 0, with 32 abstentions. The resolution as a whole was adopted 52 to 5, with 26 abstentions, against the opposition of Soviet allies.¹

Safeguards

Before the NNC convened, there was some discussion with the Japanese, who were not content with the explanations we had previously offered about the operations of the IAEA safeguards system.² On July 23, they gave our Embassy in Tokyo a memorandum advocating a new safeguards system under the treaty. They argued that the present IAEA safeguards system would be unsuitable and that a new system should be set up, based on controlling the flow of nuclear material at certain strategic points. In their view, plutonium and highly enriched uranium should receive major emphasis. The current IAEA system would be too costly, and its effectiveness would be doubtful. Moreover, all non-nuclear parties, including members of regional organizations, should receive equal treatment.³

¹See Documents on Disarmament, 1968, pp. 671-672.

²See above, pp. 345-348.

³"A New Safeguards System under the NPT," July 23, 1968, (Attachment to from Tokyo, agm. A-1837), Confidential.

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We replied that there was no need for a fundamental revision of the IAEA system at this stage. It was flexible enough to use under the treaty, and IAEA would not be precluded from concentrating on strategic points. The right of inspection was necessary, however, in order to verify that reports and records were accurate. The IAEA system already emphasized plutonium and highly enriched uranium. While we did not under-estimate budgetary factors, we found it inconceivable that a day could not be found to finance the program. As for "equality of treatment," all safeguards agreements should conform to the three principles Mr. Fisher had enunciated in January.¹ Although the IAEA-Euratom agreement might differ from some of the others, the important point was that the net effect should be equal in terms of assurance that no diversion was taking place. We proposed bilateral discussions at a later date.²

The Japanese then assured us that they did not intend to deal substantively with safeguards at the NNC or the IAEA General Conference.³ They considered it necessary to know the extent to which American and British facilities would undergo IAEA inspections, and they wished to have our views on the effect of the treaty on existing safeguards agreements with Japan.⁴

Quoting an AEC memorandum submitted during the Senate hearings, we said that IAEA would probably elect "to apply safeguards to a representative number of U.S. activities, at least initially." It was doubtful, however, that IAEA would wish to apply safeguards to all our activities, and we did not consider this necessary. We could not supply a list of activities at that time.⁵ At Geneva, a Japanese delegate told us that his country had a strong interest in seeing all American facilities placed under IAEA safeguards so that we would feel the full burden and adopt what he called a reasonable

¹See above, pp. 294-295.

²To Tokyo, tel. 226904, Aug. 23, 1968, Confidential.

³From Tokyo, tel. 11523, Aug. 28, 1968, Confidential.

⁴From Tokyo, tel. 11600, Aug. 30, 1968, Confidential.

⁵To Tokyo, tel. 238454, Sept. 13, 1968, Confidential; from Tokyo, tel. 12030, Sept. 14, 1968, Confidential. For the AEC memorandum, see Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on Executive H, 90th Congress, Second Session, pp. 110-111.

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attitude. Referring to Euratom, he argued that all parties should be treated equally and that we should define the IAEA-Euratom relationship. We replied that the relationship would initially be up to the two organizations, although our membership in the IAEA Board of Governors would eventually require us to declare our position.¹

The Germans shared the Japanese desire to simplify safeguards but took a different view of Euratom. And they were not content to express their opinions behind the scenes. They tabled a working paper at Geneva in which they argued that safeguards should be based on the "containment principle," i.e., assuring that the flow of fissionable material was contained in peaceful nuclear plants, and on the concentration of safeguards at strategic points around and in nuclear facilities, where instruments could be employed.² On September 18, Ambassador Schnippenkoetter told the First Committee that only those parts of the IAEA system which accorded with these principles were relevant to the agreements to be negotiated under article III of the treaty. He also referred to the "discriminatory" aspect of safeguards, welcomed the American and British offers, and maintained that Euratom provided equal treatment.³

The Swiss introduced a resolution recommending that agreements under article III should be drawn up "with due regard for the principle of the sovereign equality of States, so as to impose equivalent political or economic responsibilities upon all." It also recommended simplifying safeguards procedures "by limiting them to the flow of highly enriched uranium and plutonium," automating safeguards, exempting small quantities of materials used in scientific research, strengthening rules against industrial espionage, and charging the costs of safeguards against the IAEA budget.⁴ The Swiss resolution was later merged with a Spanish proposal recommending the establishment within IAEA of a special committee on safeguards "to which member countries possessing nuclear facilities or supplying nuclear materials shall belong if they so wish."⁵

¹From Geneva, tel. 4823, Sept. 14, 1968, Limited Official Use.

²A/CONF.35/L.1/1.

³A/CONF.35/C.1/SR.11 (prov.).

⁴A/CONF.35/C.1/L.2.

⁵A/CONF.35/C.1/L.9. The Spanish resolution was circulated as A/CONF.35/C.1/L.1.

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In an effort to avert substantive recommendations by the NNC, we persuaded the Chileans to table a resolution transmitting the conference records and relevant proposals to IAEA.¹ But the Chileans encountered opposition within the Latin American group and agreed to withdraw their resolution and co-sponsor a modified version of the Spanish-Swiss resolution, which dropped the "sovereign equality" clause.² With several amendments, the resolution was approved in the First Committee 35 to 5, with 43 abstentions.³ The plenary conference adopted it on September 27 by a vote of 34 to 5, with 45 abstentions.⁴

¹A/CONF.35/C.1/L.12; from Geneva, tel. 4947, Sept. 23, 1968, Confidential.

²From Geneva, tel. 5004, Sept. 25, 1968, Confidential. The revised Spanish-Swiss proposal (A/CONF.35/C.1/L.14) was co-sponsored by Argentina, Brazil, Chile, Colombia, Spain, and Switzerland.

³The amendments were submitted by Japan (A/CONF.35/C.1/L.16), Mauritius (A/CONF.35/C.1/L.17), the FRG (A/CONF.35/C.1/L.18), and the Philippines (A/CONF.35/C.1/L.19). The vote on the amended resolution was as follows:

For - Argentina, Austria, Bolivia, Brazil, Burma, Ceylon, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Ethiopia, FRG, Ghana, Guatemala, India, Indonesia, Iran, Italy, Japan, Kenya, Liechtenstein, Mauritius, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Switzerland, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia.
Against - Bulgaria, Czechoslovakia, Hungary, Mongolia, Poland.

Abstaining - Afghanistan, Algeria, Australia, Belgium, Cameroon, Canada, China, Dahomey, Denmark, Finland, Greece, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Libya, Luxembourg, Madagascar, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Republic of Vietnam, Romania, South Africa, Southern Yemen, Sweden, Syria, Tunisia, Turkey, Uganda, UAR, United Republic of Tanzania, Yemen, Zambia.

⁴See res. F (Documents on Disarmament, 1968, pp. 675-677).

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The NNC also adopted a Pakistani resolution on safeguards. In its final form, this resolution stated:

The NNC recommends the acceptance of the IAEA system of safeguards, as may be evolved from time to time, by all the non-nuclear-weapon States, as set forth in an agreement to be negotiated and concluded with the IAEA in accordance with its safeguards system which would provide against diversion of source or fissionable material whether it is produced, processed or used in any principal nuclear facility or is outside any such facility established with or without the assistance of the IAEA, including those principal nuclear facilities which may have been established in pursuance of any bilateral or multilateral arrangements, as a step towards the non-proliferation of nuclear weapons.¹

It was approved in plenary by a vote of 34 to 8, with 41 abstentions.

Nuclear-free zones

16 Latin American states co-sponsored a draft resolution on nuclear-free zones. Operative part A recommended that non-nuclear nations outside their area study the possibility and desirability of setting up other denuclearized zones "provided that political and security conditions permit." Operative part B (1) regretted that all nuclear powers had not signed Additional Protocol II to the Tlatelolco treaty and (2) urged them to do so.²

In the First Committee, Ghana, supported by Soviet allies and a few Afro-Asian states, proposed to delete the words "provided that political and security conditions permit" from operative part A. The Ghanaian amendment was

¹Res. E (ibid., pp. 675-676).
²A/CONF.35/C.1/L.5/Rev. 1.

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rejected 56 to 12, with 8 abstentions.¹ The Committee then approved this part by a vote of 64 to 0, with 12 abstentions.² The committee approved paragraph (1) of operative part B by a vote of 41 to 1, with 34 abstentions.³ It adopted paragraph

¹For - Bulgaria, Czechoslovakia, Ghana, Hungary, Kenya, Kuwait, Mongolia, Nigeria, Pakistan, Poland, Romania, Somalia, Against - Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, FRG, Finland, Greece, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Libya, Liechtenstein, Luxembourg, Malta, Mauritius, Mexico, the Netherlands, New Zealand, Norway, Paraguay, Peru, the Philippines, Republic of Korea, Republic of Vietnam, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, UAR, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia.

Abstaining - Afghanistan, Iran, Madagascar, Morocco, Portugal, Thailand, Tunisia, Yugoslavia.

²For - Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, FRG, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, the Philippines, Portugal, Republic of Korea, Republic of Vietnam, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, UAR, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against - None.

Abstaining - Bulgaria, Czechoslovakia, Ghana, Hungary, Kenya, Kuwait, Mongolia, Morocco, Poland, Romania, Thailand, Tunisia.

³For - Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, FRG, Greece, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Libya, Liechtenstein, Luxembourg, Malta, Mauritius, Mexico, Netherlands, New Zealand, Paraguay, Peru, Philippines, Portugal, Republic of Vietnam, South Africa, Spain, Switzerland, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia.

Against - Nigeria.

Abstaining - Afghanistan, Algeria, Bulgaria, Burma, Ceylon, China, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Hungary, India, Indonesia, Iraq, Jordan, Kuwait, Madagascar, Mongolia, Morocco, Norway, Pakistan, Poland, Republic of Korea, Romania, Somalia, Southern Yemen, Sweden, Syria, Thailand, Tunisia, UAR, Yemen, Yugoslavia.

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(2) of this part 61 to 0, with 15 abstentions.¹ The resolution as a whole passed 63 to 0, with 13 abstentions.² The plenary conference approved it 74 to 0, with 10 abstentions.³

Disarmament

A group of Latin American nations, joined by Afghanistan, Ghana, India, Pakistan, and Yugoslavia, sponsored a resolution requesting that the General Assembly negotiate for:

¹For - Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Ecuador, Ethiopia, FRG, Ghana, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nigeria, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Vietnam, Somalia, South Africa, Southern Yemen, Spain, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against - None.

Abstaining - Bulgaria, Czechoslovakia, Denmark, Finland, Hungary, Mongolia, Morocco, Norway, Poland, Republic of Korea, Romania, Sweden, Thailand, Tunisia, UAR.

²For - Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, FRG, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Libya, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Turkey, Uganda, UAR, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against - None.

Abstaining - Bulgaria, Czechoslovakia, Ghana, Hungary, Kenya, Kuwait, Mongolia, Morocco, Nigeria, Poland, Romania, Thailand, Tunisia.

³Res. B (Documents on Disarmament, 1968, pp. 672-674).

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(a) the prevention of the further development and improvement of nuclear weapons and their delivery vehicles;

(b) the conclusion of a comprehensive test ban treaty, as an important step in the field of nuclear disarmament, and as a matter of high priority;

(c) reaching agreement on the immediate cessation of the production of fissile materials for weapons purposes and the stoppage of the manufacture of nuclear weapons;

(d) the reduction and subsequent elimination of all stockpiles of nuclear weapons and their delivery systems.¹

Pakistan introduced a resolution urging the USSR and the United States to enter into bilateral discussions on strategic nuclear weapons limitations at an early date.²

There was little controversy about either resolution, since the measures mentioned in the Latin American resolution were already on the ENDC agenda and the USSR and the United States had publicly declared their intention to have bilateral strategic nuclear weapons limitation talks. The Latin American resolution was approved in plenary by a vote of 76 to 0, with 8 abstentions.³ The Pakistani resolution was adopted 79 to 0, with 5 abstentions. (Kenya, Tanzania, Thailand, Uganda, Zambia).⁴

Peaceful uses of nuclear energy

The Italians introduced a working paper in which they again advocated the Fanfani proposal for fissionable materials transfers which we still opposed.⁵ Some European non-nuclear

¹A/CONF.35/C.7/L.1/Rev. 1.

²A/CONF/C.1/L.8/Rev. 1.

³Res. C (Documents on Disarmament, 1968, pp. 674-675).

⁴Res. D (*ibid.*, p. 675).

⁵A/CONF.35/C.2/3; to Geneva, tel. 241840, Sept. 19, 1968, Confidential. For previous discussions, see above, p. 176.

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nations wished to give article IV of the treaty a broader interpretation than we were willing to accept. For example, Ambassador Schnippenkoetter told the Second Committee:

The Federal Government states its understanding that, under the treaty, no nuclear activity in research, development, production or use is prohibited nor can the supply of knowledge, materials and equipment be denied to non-nuclear-weapon States, until it is clearly established that such activity or such supply will be used for the manufacture of nuclear weapons or other nuclear explosive devices. Article IV establishes an obligation on parties of the treaty in a position to do so to co-operate in contributing to the further development of the application of nuclear energy for peaceful purposes. The Federal Government expects that national policies of restricting the free flow of scientific and technological information will be reviewed in order to promote the fullest possible exchange of scientific and technological information for peaceful purposes.

Our delegation did not wish to "open up Pandora's box" by publicly disputing the German interpretation at this stage.¹

But the same question was posed more sharply by a Swiss resolution which declared that the nuclear powers should give precise undertakings on the following points:

- (a) Effective access to advanced nuclear technology, including that hitherto kept secret, and in particular that relating to uranium enrichment;
- (b) Guaranteed access to fissionable materials, in particular to enriched uranium and plutonium, with a view to their use for peaceful purposes;
- (c) Non-discrimination in the grant of facilities, whether to nuclear-weapon States or to non-nuclear-weapon States.²

¹From Geneva, tel. 4772, Sept. 12, 1968, Confidential.

²A/CONF.35/C.2/L.1.

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Washington instructed the delegation to say that this resolution would not be a useful contribution, since the treaty itself answered the general purposes of the resolution "in the best manner realistically possible." Articles IV, V, and VI of the treaty had been revised to meet the desires of the non-nuclear nations, and the balance of obligations in these articles was heavily weighted in their favor. We had already concluded more than 30 international agreements on peaceful uses and would expect to conclude more as a result of the treaty. The treaty did not prohibit uranium enrichment plants or any other type of isotope separation facilities but required safeguards under article.III. The conclusion of the treaty would facilitate the exchange of information on peaceful uses, and we would make information "widely available except for areas closely related to the risk of nuclear weapons proliferation or to military applications of nuclear energy." The technique of uranium enrichment was one of those areas. As we had told the Senate Foreign Relations Committee, the treaty did not override the provisions of the U.S. Atomic Energy Act, existing export policy, and private patent or proprietary rights. There was no shortage of enriched uranium or plutonium for peaceful purposes, and we planned to enlarge our enrichment capacity.¹

Our delegation was able to get the Swiss resolution watered down by planting a more acceptable draft with the Scandinavian countries² and encouraging the Japanese to submit a moderate resolution.³ The result was a seven-power resolution containing the following recommendations to the IAEA:

- (1) Continued efforts for the compilation and dissemination of public information.
- (2) Study of international arrangements to facilitate the exchange of scientific and technical information that was not publicly available.

¹To Geneva, tel. 241841, Sept. 19, 1968, Limited Official Use.

²A/CONF.35/C.2/L.7 and Add. 1. The four Scandinavian countries were later joined by Austria.

³A/CONF.35/C.2/L.4.

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(3) Advice from the nuclear powers on the declassification of information whose classification was no longer necessary for security reasons.

(4) Study of ways and means of increasing funds for technical assistance.

(5) Study of means of insuring access to special fissionable materials.

(6) Facilitation by the nuclear powers of making fissionable materials available to non-nuclear nations "accepting the application of safeguards as envisaged in Article III of the Treaty."

(7) Studies on IAEA functions in the field of peaceful nuclear explosions.

(8) Examination of its procedures and arrangements, and the composition of the Board of Governors.¹

Our delegation acknowledged that the combined resolution still had "imperfections" on fuel supply, information, and peaceful uses. It was nevertheless encouraged, "considering where we started." It was still not sure whether the "extremists" would accept a formula which did not explicitly call for the declassification of isotope separation technology.²

When the resolution came to a vote in the Second Committee, some who wished for a stronger declassification provision demanded a separate vote on this clause, which was approved by a vote of 62 to 0, with 11 abstentions. On the question of specifying that safeguards should be as "envisaged" in the treaty, the existing language was upheld 60 to 1, with 16 abstentions, India voting in the negative. The provisions on availability of fissionable materials were approved 63 to 1, with 14 abstentions. An attempt to strengthen the recommendations on IAEA reform failed 59 to 0, with 20 abstentions. The resolution as a whole was then approved 70 to 2, with 8 abstentions, India and Nigeria opposing.

¹A/CONF.35/C.2/L.4/Rev. 2.

²From Geneva, tel. 4957, Sept. 24, 1968, Limited Official Use.

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In the plenary conference (September 26), the FRG, Argentina, Australia, Brazil, and India unsuccessfully tried to revise the safeguards language to read "either the application of existing safeguards or other safeguards as envisaged in article III of the treaty."¹ This amendment was rejected 37 to 35, with 6 abstentions. The resolution was then approved 51 to 15, with 10 abstentions.²

Pakistan submitted two resolutions. The first resolution, after three revisions, (1) requested all nuclear powers and states in a position to do so to provide access for scientific training on a non-discriminatory basis, (2) urged nuclear powers and others not to provide nuclear material or equipment to any non-nuclear state unless it had accepted safeguards "in an agreement to be negotiated and concluded in accordance with the Statute of IAEA and the Agency's safeguard system," and (3) urged that multilateral safeguards continue to apply until negotiations with IAEA were considered "conducive to the conclusion of an agreement."³

The Second Committee deleted the second paragraph by a vote of 15 to 19, with 30 abstentions and rejected the third paragraph 3 to 29, with 30 abstentions. The truncated resolution was then approved 18 to 3, with 43 abstentions. The plenary conference adopted it on September 26 by a vote of 37 to 0, with 43 abstentions.⁴

A second Pakistani resolution, after two revisions, recommended that IAEA examine arrangements to set up a Special Nuclear Fund to finance nuclear projects in non-nuclear nations, especially the developing countries.⁵ On September 26 it was approved in the plenary conference by a vote of 70 to 0, with 4 abstentions.⁶

¹A/CONF.35/L.6. The Australian representative orally proposed to revise the amendment to read "either the application of or the acceptance of safeguards as provided for in the existing IAEA system of safeguards or other appropriate safeguards as envisaged in Article III of the treaty" (A/CONF.35/SR.17) but withdrew the proposal without seeking a vote.

²Res. H (Documents on Disarmament, 1968, pp. 678-680).

³A/CONF.35/C.2/L.3/Rev.3.

⁴Res. M (Documents on Disarmament, 1968, p. 684).

⁵A/CONF.35/C.2/L.5/Rev. 2.

⁶Res. I (Documents on Disarmament, 1968, pp. 680-681).

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On September 18 a group of Latin American nations submitted a resolution requesting the U.N. Secretary-General to appoint a group of experts to prepare a report on the possible contributions of nuclear technology to developing countries. The report would be completed in time for consideration at the 24th General Assembly.¹ Washington took a dim view of this proposal, since it considered that IAEA was the appropriate agency to deal with the problem and that the proposed committee would overlap the small scientific advisory committee that the Secretary-General already had.²

At the opening meeting of the 12th IAEA General Conference in Vienna, Director-General Eklund expressed surprise at the Latin American proposal and took the occasion to criticize the ignorance of some NNC members and the lack of coordination between political and scientific organizations in some countries.³ Eklund's remarks were not well received in Geneva, where a number of delegates agreed with the Equadorean view that they were not only unwise but intolerable.⁴ They did not make it any easier for us to promote the IAEA.

While our delegation was unable to block this resolution, its arguments apparently persuaded the sponsors to add a paragraph recommending that the Secretary-General advise the experts to take advantage of the experience of the IAEA.⁵ The Second Committee approved the resolution by a vote of 75 to 0, with 3 abstentions. The plenary conference adopted it on September 26 by a vote of 69 to 0, with 1 abstention.⁶

A more radical resolution was initiated by Brazil. The first part of this resolution would have the conference (1) request the General Assembly to consider setting up in the U.N. Development Program a "Program for Research and Development of Nuclear Technology" with IAEA cooperation for the benefit of the developing countries, (2) request the International Bank

¹A/CONF.35/C.2/L.2/Rev. 1 and Add. 1.

²To Geneva, tel. 243314, Sept. 23, 1968, Confidential.

³IAEA doc. GC (XII)/OR.119, p. 10.

⁴A/CONF.35/SR.20.

⁵From Geneva, tel. 4947, Sept. 23, 1968, Confidential;
A/CONF.35/C.2/L.2/Rev. 2.

⁶Res. G (Documents on Disarmament, 1968, p. 678).

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for Reconstruction to consider setting up a program for using nuclear energy in economic development projects for the benefit of the developing countries, (3) ask the nuclear powers to undertake primary responsibility for financing the programs. The second part would request the IAEA to consider establishing a "Special Fissionable Material Fund" for non-nuclear states, especially the developing countries, and ask the nuclear powers for a firm commitment to provide materials to the fund "in adequate quantities and at reasonable prices."¹

Washington opposed this proposal. In an instruction to Geneva, it pointed out that developing countries set their own priorities in the U.N. Development Program and could give nuclear projects priority if they chose to do so. The resolution would reverse the IBRD policy of dealing with each project on its merits. We already bore a major burden in financing development projects but would not assume "primary responsibility" simply because we were a nuclear power. It was not clear how the fissionable materials provision would differ from existing arrangements.²

In spite of our opposition, Brazil obtained Latin American co-sponsors for the resolution and surfaced it in Committee II.³ Separate votes were taken on the provisions regarding nuclear-power financing of development programs and the supply of fissionable materials. The financing provision was approved 52 to 4, with 23 abstentions, and the supply clause passed by a vote of 59 to 4, with 20 abstentions. The Second Committee then approved the resolution as a whole by a vote of 57 to 5, with 17 abstentions. On September 26 the plenary conference adopted it by a vote of 57 to 0, with 22 abstentions.⁴

Peaceful nuclear explosions

During the negotiations on the non-proliferation treaty, Sweden had questioned the compatibility of the treaty with a

¹From Geneva, tel. 4835, Sept. 16, 1968, Confidential.

²To Geneva, tel. 241645, Sept. 19, 1968, Confidential.

³A/CONF.35/C.2/L.6 and Add. 1 and 2.

⁴See Res. J (Documents on Disarmament, 1968, pp. 681-682).

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future comprehensive test ban,¹ and she continued to be concerned with this problem. At the non-nuclear conference she tabled a resolution, co-sponsored by Nigeria, stating that the question of peaceful nuclear explosions was closely linked with a comprehensive test ban, underlining "the urgency of a universal and comprehensive solution of the problem of nuclear explosions for peaceful purposes compatible with a comprehensive test ban treaty." The preamble contained a clause referring to the need for a comprehensive test-ban treaty and a separate agreement establishing control of all peaceful explosions.² The Second Committee approved this clause by a vote of 39 to 1 (Australia) with 35 abstentions. It adopted the resolution as a whole 70 to 0, with 8 abstentions. On September 26 the plenary conference adopted (57 to 0, with 12 abstentions) an amendment by Brazil, Mexico, Nigeria, and Sweden changing the wording of the preambular clause.³ It then approved the amended resolution by a vote of 61 to 0, with 16 abstentions.⁴

Article V of the non-proliferation treaty provided that non-nuclear parties should be able to obtain the benefits of peaceful nuclear explosive services, "pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States." We believed that the IAEA should be the "appropriate international body," but Mexico took a different view. It submitted a paper to the non-nuclear conference in which it outlined proposals for preparing a special agreement. These proposals called for setting up an International Program of Nuclear Explosions for Peaceful Purposes, comprising nuclear powers and "States which have renounced nuclear weapons," i.e., parties to the non-proliferation treaty, the Tlatelolco treaty, and similar agreements.⁵

The Mexicans argued that IAEA was not flexible enough to handle the problem and questioned whether it could discriminate among its members by withholding services from

¹See International Negotiations on the Treaty on the Non-proliferation of Nuclear Weapons, pp. 104-105.

²A/CONF.35/C.2/L.10/Rev. 1 and Add. 1.

³A/CONF.35/L.5.

⁴Res.L (Documents on Disarmament, 1968, p. 683).

⁵A/CONF.35/DOC.15.

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those who did not sign the treaty. We replied that there was nothing in the IAEA Statute to prevent it from assuming obligations under article V. Since it had adequate statutory authority, we saw no point in establishing a new organization. It would be difficult for us to broaden our treaty assurances to include adherents of other agreements - e.g., the Argentines and Brazilians, contrary to our interpretation, claimed that the Tlatelolco treaty would permit them to manufacture peaceful nuclear explosive devices. Any American services to countries that did not adhere to the treaty "would have to be considered case-by-case." Moreover, we did not think that the conference should get into a detailed discussion of the question.¹

When the Dutch representative suggested countering the Mexican proposals with a resolution endorsing the IAEA as the "appropriate international body," Washington expressed concern that this might make IAEA accountable to the conference. It saw some advantage, however, in a resolution to IAEA and thus place it in a subordinate position. It preferred a resolution by the IAEA General Conference, scheduled to meet in September, requesting the Director-General of IAEA to initiate studies of procedures for carrying out its role as the appropriate international body.²

Our delegation was aware of this problem but pointed out the danger that the less developed countries might "gravitate around" the Mexican proposal in the absence of an initiative.³ In the end, it was decided to act through the IAEA, and the General Conference adopted a resolution of the kind we contemplated.⁴

In Geneva, Mexico obtained other Latin American co-sponsors for a draft resolution requesting the inclusion on the agenda of the 23rd General Assembly of an item on convening a special conference to consider setting up within the IAEA framework an International Program for Nuclear Explosions

¹From Geneva, tel. 4692, Sept. 5, 1968, Confidential; to Geneva, tel. 234483, Sept. 7, 1968, Confidential.

²From Geneva, tel. 4652, Sept. 2, 1968, Confidential; to Geneva, tel. 232652, Sept. 4, 1968, Confidential.

³From Geneva, tel. 4714, Sept. 6, 1968, Confidential.

⁴Documents on Disarmament, 1968, pp. 667-668. The IAEA role was also recognized in the Swiss-Scandinavian-Japanese resolution passed by the NNC (above, pp. 425-427).

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for Peaceful Purposes.¹ This resolution was merged with a resolution sponsored by Argentina, Brazil, and Peru.² The joint resolution incorporated the Mexican proposal for a special conference and declared that it was highly important to draft an agreement setting up in the IAEA framework an International Service for Nuclear Explosions for Peaceful Purposes. It stated that charges for states which had renounced nuclear weapons should be as low as possible. The final paragraph requested the transmission of the Mexican and Italian working papers and other relevant documents to the U.N. Secretary-General.³

There were separate votes in the Second Committee on three paragraphs of the Latin American resolution. The paragraph on an IAEA nuclear explosions service passed 34 to 15, with 32 abstentions. The Mexican proposal for a special conference was approved 31 to 19, with 30 abstentions. The committee approved the final paragraph 32 to 6, with 40 abstentions. It then adopted the resolution as a whole 28 to 13, with 40 abstentions.⁴

¹A/CONF.35/C.2/L.12.

²A/CONF.35/C.2/L.9.

³Documents on Disarmament, 1968, pp. 639-641. The English version of the resolution incorrectly referred to an International Department for Nuclear Explosions for Peaceful Purposes. The Italian paper suggested an international conference to establish an international body for cooperation in nuclear explosions for peaceful uses, "either independent or within IAEA but possessing the necessary autonomy" (A/CONF.35/C.2/2).

⁴For - Afghanistan, Argentina, Austria, Brazil, Burma, Cameroon, Chile, Colombia, Dahomey, Dominican Republic, Ghana, Guatemala, Italy, Ivory Coast, Jamaica, Kenya, Mexico, Nigeria, Paraguay, Peru, Spain, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

Against - Australia, Bulgaria, Canada, Czechoslovakia, Hungary, Iraq, Ireland, Libya, Mongolia, Poland, South Africa, UAR, Yemen.

Abstaining - Algeria, Belgium, Bolivia, Ceylon, China, Costa Rica, Denmark, Ecuador, Ethiopia, FRG, Finland, Greece, India, Indonesia, Iran, Israel, Japan, Jordan, Kuwait, Lebanon, Liechtenstein, Malta, Mauritius, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Romania, Somalia, Southern Yemen, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey.

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In the plenary conference (September 26), there was another vote on the Mexican paragraph, which now failed to obtain a two-thirds majority and was consequently dropped from the resolution.¹ The final paragraph, however, was approved 30 to 7, with 48 abstentions, and therefore retained.² The vote on the resolution as a whole was 30 to 21, with 27 abstentions. It therefore failed of adoption since there was no two-thirds majority.

¹The vote was 31 to 24, with 29 abstentions:

For - Afghanistan, Algeria, Argentina, Bolivia, Brazil, Burma, Cameroon, Ceylon, Chile, Colombia, Dahomey, Dominican Republic, FRG, Ghana, Guatemala, Iran, Italy, Ivory Coast, Jamaica, Kenya, Mexico, Paraguay, Peru, Spain, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

Against - Australia, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Hungary, Iraq, Ireland, Libya, Luxembourg, Mongolia, Morocco, New Zealand, Norway, Poland, Saudi Arabia, South Africa, Southern Yemen, Syria, Tunisia, UAR, Yemen.

Abstaining - Austria, China, Costa Rica, Ecuador, Ethiopia, Greece, India, Indonesia, Israel, Japan, Laos, Lebanon, Liechtenstein, Madagascar, Malta, Mauritius, Netherlands, Nigeria, Pakistan, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Romania, Somalia, Sweden, Switzerland, Thailand, Turkey.

²For - Afghanistan, Argentina, Bolivia, Brazil, Cameroon, Ceylon, Chile, Colombia, Costa Rica, Dahomey, Dominican Republic, Ecuador, FRG, Ghana, Guatemala, Israel, Italy, Ivory Coast, Jamaica, Malta, Mexico, Paraguay, Peru, Spain, Switzerland, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia, Zambia.

Against - Bulgaria, Canada, Czechoslovakia, Ethiopia, Hungary, Mongolia, Poland.

Abstaining - Algeria, Australia, Austria, Belgium, Burma, China, Denmark, Finland, Greece, India, Indonesia, Iran, Iraq, Ireland, Japan, Kenya, Laos, Lebanon, Libya, Liechtenstein, Luxembourg, Madagascar, Mauritius, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Portugal, Republic of Korea, Republic of Vietnam, Romania, San Marino, Saudi Arabia, Somalia, South Africa, Southern Yemen, Sweden, Syria, Thailand, Tunisia, Turkey, Uganda, UAR, United Republic of Tanzania, Yemen.

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Composition of the IAEA Board of Governors

Although we would have preferred for the NNC not to pass any resolutions on the composition of the IAEA Board of Governors, we were unable to keep the conference away from this question because of strong sentiment among the developing countries, which felt that they were not adequately represented on the Board. This sentiment was further abetted by Italy, which wished to obtain a permanent seat on the Board. As noted above, the Swiss-Scandinavian-Japanese resolution requested IAEA to study the question.¹ An African resolution recommended to IAEA that representation on the Board be broadened "so as to reflect equitable geographical distribution and the views of a broad spectrum of the developing countries." This resolution was adopted by the plenary conference on September 26 by a vote of 47 to 0, with 29 abstentions.²

We also learned that Italy planned to propose a revision of the IAEA Statute to change the composition of the Board of Governors.³ We opposed this move and contemplated only a standing committee within IAEA.⁴ On September 13, Under Secretary of State Rostow told Ambassador Ortona that it would be a mistake to seek amendment of the Statute and that Italy might become a permanent member of the standing committee we contemplated. Ambassador Ortona indicated that Italy would introduce her proposal at the IAEA General Conference.⁵ At Vienna, she obtained several co-sponsors for a resolution urging the Board of Governors to study the question. The General Conference approved it on September 30.⁶

Perpetuation of the NNC

The thorniest issue of all was the question of perpetuating the NNC. This was posed by an Italian working paper (September 9) on the establishment of machinery to implement conference

¹See above, pp. 425-427.

²Res. K (Documents on Disarmament, 1968, pp. 682-683).

³From Vienna, tel. 6363, Sept. 3, 1968, Limited Official Use.

⁴To Geneva and Vienna, tel. 237734, Sept. 13, 1968, Confidential.

⁵To Rome, tel. 238777, Sept. 14, 1968, Confidential.

⁶Documents on Disarmament, 1968, p. 667.

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decisions. Attached to the working paper was an annex recommending that the General Assembly convene non-nuclear conferences periodically and set up a special committee on peaceful uses to study ways of implementing conference decisions, promote and recommend necessary action, and prepare the agenda of future conferences.¹

Our line was to argue that the ENDC, the General Assembly, and IAEA would consider the questions that interested the NNC regardless of what that organization did. It would therefore be meaningless for the NNC to carry over unfinished business to a later session, since the question would be dealt with elsewhere. Moreover, the fact that the nuclear powers were not voting participants in the NNC was a strong argument for keeping discussions in existing forums.²

Perpetuation was the primary concern of our delegation, which was not too hopeful about stopping it. On its recommendation, Washington sent out a circular instruction arguing that existing forums were adequate and stating that we did not plan to participate in further conferences along NNC lines. An acceptable alternative would be for the NNC to ask the General Assembly to reexamine its conclusions at a future session in the light of progress in responsible organs and agencies.³

We were unable to stem the tide. On September 20, Italy submitted a draft resolution incorporating the annex to her working paper.⁴ In the NAC, the Italian representative declared that he could not accept our objections to the NNC. He considered the non-proliferation treaty ambiguous and "even in certain respects unsatisfactory" and held that it needed periodic review both for procedures and for substance. The German representative expressed support for the Italian position and noted that the FRG was not a member of the United Nations or the ENDC and was about to give up its rotational seat on the IAEA Board of Governors.⁵

¹A/CONF.35/C.2/1.

²From Geneva, tel. 4716, Sept. 6, 1968, Confidential.

³From Geneva, tel. 4889, Sept. 18, 1968, Confidential;
circ. tel. 241963, Sept. 20, 1968, Confidential.

⁴A/CONF.35/C.2/L.11.

⁵From USNATO, tel. 4904, Sept. 25, 1968, Confidential.

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Italy withdrew her resolution and became co-sponsor of a draft resolution introduced by 14 Latin American states. This resolution recommended that the General Assembly convene the NNC periodically and establish a Special Committee of non-nuclear states. The Special Committee would study ways of implementing NNC conclusions, carry out studies, prepare the programs of future conferences, and make an annual report to the General Assembly. It would hold its first session in 1969.¹

On September 27 the plenary conference adopted a watered-down version of the Latin American resolution which deleted the provisions for the Special Committee and reduced the operative part to one paragraph:

[The NNC] invites the General Assembly, at its present session, to consider the best ways and means for the implementation of the decisions taken by the Conference, and the continuity of the work undertaken, and at a subsequent session, to consider the question of the convening of a second Conference of Non-Nuclear-Weapon States.²

This resolution was approved by a vote of 75 to 0. As events were to show, however, we had not heard the last of the Special Committee.

Conference declaration

In its final declaration, the NNC stressed "the necessity of further steps for an early solution of the question of security assurances in the nuclear era." It appealed to all countries to observe the U.N. Charter and "generally accepted norms of international law." An immediate cessation of the arms race, accelerated nuclear disarmament, and general and complete disarmament were indispensable. Pending the achievement of general and complete disarmament, steps should be urgently taken on various collateral measures. The NNC noted

¹A/CONF.35/L.3. A revised version would call the committee the Special Committee of the Conference of Non-Nuclear-Weapon States (A/CONF.35/L.3/Rev. 1).

²Res. N (Documents on Disarmament, 1968, pp. 684-685).

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the non-proliferation treaty and considered that it should be followed up by disarmament measures.

Noting the importance of nuclear energy in economic development, the NNC stated:

...It is imperative to ensure conditions which would promote the peaceful uses of nuclear energy, encourage international co-operation in this area, ensure unhampered flow of nuclear materials under appropriate and effective international safeguards, as well as information, scientific knowledge and advanced nuclear technology exclusively for peaceful purposes on a nondiscriminatory basis. The Conference stresses the importance of the potential use of nuclear explosive devices for peaceful purposes within appropriate and effective international safeguards which should be prepared as soon as possible and under strict international control.

The Conference reiterates the need for appropriate international assistance, including financing, for the purposes of greater application of the peaceful uses of nuclear energy. In this respect the Conference underlines the necessity of an active co-operation and co-ordination of the programmes of all international organizations and agencies concerned with the development of developing countries. At the same time it recognizes the important role of the IAEA whose resources should be increased, but which should adapt itself adequately for its further responsibilities.

It recommended that the General Assembly consider the best ways of implementing NNC decisions, "including the consideration of the question of convening another Conference at an appropriate time." Originally submitted by India and Yugoslavia, the declaration was much watered down by amendments by Canada and others.¹ An Italian attempt to include a more specific

¹See A/CONF.35/L.4, Adds. 1-3, and Rev. 1, 2; A/CONF.35/L.7 and Rev. 1.

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call for another NNC conference was unsuccessful. The declaration was adopted by a vote of 71 to 0, with 1 abstention.¹

23rd General Assembly

For several reasons, the Conference of Non-Nuclear-Weapon States failed to fulfill the hopes of its sponsors. No strong leadership emerged, and the requirement for a two-thirds majority meant that the nuclear powers, though not entitled to vote, were often able to muster a "blocking third" through corridor activity with friendly delegations. Nevertheless, the NNC movement was far from dead, and it was evident that its partisans would continue to press their views in the General Assembly. In that forum, the nuclear powers would be able to vote and publicly declare their positions. On the other hand, it was doubtful if they would be able to get a majority to decide that NNC resolutions were "important questions" and thus subject to a two-thirds rule.

Italy had attempted to assert leadership among the non-nuclear nations, partly because she wanted the IAEA Board of Governors reorganized to give her a permanent seat. During Foreign Minister Medici's October visit to the United States, ACDA Director Foster told him that we were prepared to seriously consider the Italian desire for a permanent seat. Mr. Foster later sent him a personal letter stressing the importance of not derogating the IAEA by establishing overlapping machinery. New U.N. machinery "might well lead to unrealistic and excessive demands for financial and technical assistance in developing the peaceful uses of atomic energy." It would create new obstacles to the non-proliferation treaty, and it would also exclude the FRG and Switzerland since those countries were not U.N. members. We had already gone as far as we could with security assurances, and all that could now be done was to strengthen the United Nations.²

¹Documents on Disarmament, 1968, pp. 685 ff.

²Foster to Ackley, ltr., Oct. 22, 1968, with attached ltr. from Foster to Medici, Oct. 22, 1968, Confidential.

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Foreign Minister Medici replied that Italian policy would help the treaty by overcoming the reservations of significant countries. He denied that a standing committee would overlap with IAEA or other existing bodies. But IAEA was an "essentially technical and executive agency" which could not adequately deal with the political aspects of the peaceful uses of nuclear energy. At the same time, Italy opposed assigning security questions to the proposed committee.¹

The Italian Mission in New York became the center of pro-NNC activity at the 23rd General Assembly. The first concrete proposal was a Pakistani resolution proposing the establishment of an ad hoc committee to follow up implementation of NNC decisions, consider further steps on security assurances, and report to the 24th General Assembly. The next General Assembly session would also consider the question of holding a second NNC or convening a special conference on security assurances.²

The Japanese, who initially participated in the NNC caucus, informed our delegation that they had been instructed to work closely with us and asked if we were against any kind of ad hoc committee. We replied that we were; if the committee was limited to peaceful uses, it would duplicate IAEA, and it would be even more harmful if it also covered security assurances.³ The Soviet attitude was also negative. Ambassador Roshchin was very concerned about the Pakistani resolution and considered that it would be extremely dangerous for a new committee to take up security assurances.⁴

Within the NNC group, there were varying views about the functions of the committee. The Yugoslavs would have the committee meet by March 1969, follow up the implementation of NNC decisions, and report to the 24th General Assembly. They also contemplated a special conference on security assurances.⁵

¹To Rome, tel. 272684, Nov. 15, 1968, Confidential.

²From New York, tel. 7431, Oct. 30, 1968, Secret.

³From New York, tel. 7464, Oct. 31, 1968, Secret.

⁴From New York, tel. 7500, Nov. 1, 1968, Secret.

⁵From New York, tel. 7607, Nov. 7, 1968, Confidential.

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Italian amendments to the Pakistani resolution provided that the committee should deal with peaceful uses of nuclear energy, but security assurances were not specifically excluded.¹ A Chilean amendment, on the other hand, would include security assurances in the purview of the committee.² The Japanese prepared a draft resolution which would have the committee study the security assurances problem and report to the General Assembly. The question of a second NNC would be placed on the agenda of a future General Assembly session.³ From our point of view, the Japanese proposal at least had the merit of leaving IAEA alone.

Although the situation was anything but promising, Washington believed that we could "marshal [a] sizeable and influential group in opposition, particularly if they can be brought together on some acceptable alternative to [the] anticipated Italian proposal." Since the Japanese draft appeared to be the best alternative available, we would support it if the section on the committee was replaced with a provision permitting the question of a second NNC or a meeting of the Disarmament Commission to be placed on the agenda of a future General Assembly. We remained firmly opposed to any special committee, which we regarded as a "device to extract further concessions from [the] nuclear powers for greater assistance to non-nuclear in peaceful uses, for greater security assurances, and...for greater progress in nuclear disarmament." We had already made maximum concessions in these areas. While we were aware of our responsibilities under the treaty, this was a long-term program and we did not wish to be confronted with "premature and excessive demands which, if not satisfied, could be used to excuse delay in signing or ratifying [the] NPT."⁴

The Japanese ideas were virtually ignored by the Italian Mission group, which produced a draft resolution calling for an ad hoc committee which would consider both peaceful uses and security assurances.⁵ While the Japanese consulted

¹From New York, tel. 7609, Nov. 7, 1968, Confidential.

²From New York, tel. 7645, Nov. 8, 1968, Confidential.

³From New York, tel. 7573, Nov. 5, 1968, Confidential.

⁴To New York, tel. 269016, Nov. 8, 1968, Confidential.

⁵From New York, tel. 7719, Nov. 12, 1968, Confidential.

A slightly revised version appears in New York, tel. 7832, Nov. 15, 1968, Confidential.

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others about a counter-resolution and weighed our suggestions, we showed their resolution, with our proposed revisions, to the Soviets, who reacted favorably.¹

On November 19, Italian Minister Terruzzi gave Fisher a memorandum urging the United States to support the Italian proposal for an ad hoc committee. The Italians argued that most nonaligned countries favored the reference to security assurances and that this was justified because the door should be left open for the French and Chinese to adhere to the Security Council resolution. Moreover, the committee was necessary to coordinate organizations concerned with nuclear energy. Mr. Terruzzi implied that the proposal might be dropped if Italy obtained a permanent seat on the IAEA Board of Governors. Mr. Fisher pointed out that the committee would only complicate IAEA-Euratom safeguards negotiations. If Italy had a grievance with IAEA, he observed, she was proposing a cure that was worse than the disease.²

The Soviets now came up with a draft resolution which omitted all reference to a committee or a session of the Disarmament Commission. It would refer the NNC resolutions and declaration to the international organizations concerned and ask the Secretary-General to appoint a group of experts to report on possible nuclear contributions to the advancement of developing countries. The latter provision, also contained in the Pakistani resolution, was non-controversial.³

After discussing the situation, the American and Soviet delegations agreed that it would be best for us to pass the Soviet draft to the Japanese and Dutch, who were forming a group at the Finnish Mission to produce a counter-resolution. The initial draft of this group endorsed the NNC declaration and dropped the reference to the Disarmament Commission we had suggested. Our delegation immediately objected to endorsing

¹From New York, tel. 7793, Nov. 14, 1968, Confidential. The modified Japanese resolution appears in New York, tel. 7831, Nov. 15, 1968, Confidential.

²To Rome, tel. 275642, Nov. 21, 1968, Confidential.

³From New York, tel. 8011, Nov. 22, 1968, Confidential. For tactical reasons, the Soviets later had Bulgaria and Hungary table a resolution along these lines on Dec. 5, but it was never put to a vote (A/C.1/L.452).

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the NNC declaration,¹ and the Soviets also took a negative position on this point.²

The Italian Mission group then picked up the Disarmament Commission idea and attempted to exploit it for its own purposes. Its draft resolution was revised to provide for a Disarmament Commission session not later than May 1969 to consider NNC conclusions, disarmament, security assurances, and international cooperation in the peaceful uses of nuclear energy.³

Soviet delegate Schevchenko strongly opposed this proposal and pointed out that it would involve the Disarmament Commission in subjects outside its scope, such as peaceful uses of nuclear energy. Moreover, it would concentrate heavily on security assurances, including draft protocols to impose further obligations on the nuclear powers. ACDA Assistant Director De Palma urged him to be restrained in objecting to the counter-resolution, which offered the only hope of defeating the Italian Mission proposal. Although Moscow had strong objections to the counter-resolution and had given the Soviet delegation very firm instructions, they showed restraint in their comments.⁴

Washington approved our delegation's opposition to a May 1969 meeting of the Disarmament Commission. "We continue to believe," it told the delegation, "that [a] UNDC meeting would be preferable to an ad hoc committee, but we are of the view that [a] UNDC session between now and [the] next GA would not produce constructive results - particularly if it focused on security assurances and peaceful uses - and would likely make more difficult progress in obtaining further signatures and ratification of [the] NPT." Our delegation should continue to take the position that the 24th General Assembly should consider whether a Disarmament Commission session would be useful. As a fallback position, we could agree to have the Secretary-General poll U.N. members on a Disarmament Commission session, but there should be no meeting before the 24th General Assembly. If the Japanese provision for endorsing the NNC

¹From New York, tels. 8016, Nov. 22, 1968, and 8087, Nov. 27, 1968, Confidential.

²From New York, tel. 8073, Nov. 26, 1968, Confidential.

³From New York, tel. 8135, Nov. 28, 1968, Confidential.

⁴From New York, tels. 8089 and 8099, Nov. 27, 1968, Confidential.

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declaration was retained in spite of our opposition, we could vote against it while voting for the counter-resolution as a whole.¹

Meanwhile, the morale of the Finnish Mission group had been wavering, and it seemed doubtful for a time whether sponsors could be found for a counter-resolution. On November 29, however, it produced a revised resolution which endorsed the NNC declaration and requested the Secretary-General to put the question of a Disarmament Commission session on the agenda of the 24th General Assembly.²

The key issue now appeared to be the timing and terms of reference of a Disarmament Commission session. The Soviet delegation received new instructions opposing a session at any time. Mr. Schevchenko told our delegation that they would oppose it regardless of the terms of reference, because it was linked with NNC ideas.³

Ambassador Roshchin explained to Foster that the Soviets did not wish to give the Disarmament Commission responsibility for implementing NNC conclusions, since this would perpetuate the NNC. They also thought that assigning peaceful-uses questions to the Disarmament Commission would interfere with IAEA. For these reasons, they opposed the counter-resolution as well as the Italian Mission draft. Mr. Foster agreed that the NNC should not be perpetuated and that there should be no interference with existing organizations. To avoid an early Disarmament Commission session, however, we considered it necessary to recognize that the 24th General Assembly could take up the question.⁴

The Finnish Mission draft resolution was the first to be surfaced. It was tabled on December 3 by Australia, Austria, Canada, Finland, Japan, and the Netherlands.⁵ This initiative gave the Finnish Mission group an important tactical advantage, as the Italian Mission group was soon to realize. On December 5, Argentina, Brazil, Chile, Italy, Pakistan, and Yugoslavia submitted a resolution in which they

¹To New York, tel. 279949, Nov. 30, 1968, Confidential.

²From New York, tel. 8187, Nov. 30, 1968, Confidential.

³From New York, tel. 8188, Nov. 30, 1968, Confidential.

⁴From New York, tel. 8218, Dec. 3, 1968, Confidential.

⁵Documents on Disarmament, 1968, pp. 761-762.

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asked the Secretary-General to canvass U.N. members on convening the Disarmament Commission "either not later than July 1969 or after the twenty-fourth session of the General Assembly and before March 1970." The Disarmament Commission would consider disarmament, security assurances, and peaceful uses of nuclear energy.¹

Negotiations between the two groups produced a revised resolution which followed the main lines of the Finnish Mission draft. The General Assembly would endorse the NNC declaration, take note of NNC resolutions, and request the Secretary-General to circulate them to members of the United Nations, specialized agencies, and the IAEA. International organizations and the IAEA would be invited to report to the Secretary-General on action regarding NNC recommendations. The International Bank, the U.N. Development Program, and IAEA would continue to study the recommendations of the NNC peaceful-uses resolution. The Secretary-General would report on the information he received from those concerned. The 24th General Assembly would consider the questions of (1) convening the Disarmament Commission early in 1970 "to consider disarmament and the related question of the security of nations" and (2) international cooperation in the peaceful uses of nuclear energy. The Secretary-General would appoint a group of experts to report on nuclear contributions to the advancement of developing countries.²

At the request of the United States, there was a separate vote in the First Committee on the paragraph endorsing the NNC declaration. This paragraph was approved by a vote of 84 to 8, with 10 abstentions, the Soviet Union voting against and the United States abstaining. The resolution as a whole was approved by the plenary General Assembly on December 20 by a vote of 103 to 7, with 5 abstentions.³

The Italian Mission draft resolution had originally contained two Mexican proposals which were dropped during the negotiations with the Finnish Mission: (1) General Assembly endorsement of the NNC nuclear-free zones resolution

¹Ibid., pp. 776-779.

²Pt. A of G.A. res. 2456 (XVIII): ibid., pp. 797-799.

³The USSR, Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Poland, and the Ukrainian SSR voted against the resolution. Cuba, Guinea, Malawi, Mauritania, and Syria abstained.

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and (2) a report on the establishment within the IAEA framework of an international service for peaceful nuclear explosions. Mexico immediately set about reintroducing them as separate resolutions. On instructions, Mr. De Palma tried to persuade Garcia Robles to substitute language leaving the peaceful nuclear explosions question in the hands of IAEA, but he refused to do so.¹ The nuclear-free zones resolution was adopted 98 to 0, with 16 abstentions.² The

¹To New York, tel. 282961, Dec. 6, 1968, Confidential;
from New York, tel. 8353, Dec. 7, 1968, Confidential.

²Pt. B of G.A. res. 2456 (XXIII).

For - Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Burundi, Cameroon, Canada, Ceylon, Chad, Chile, China, Congo (Brazzaville), Cyprus, Dahomey, Democratic Republic of Congo, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldive Islands, Mali, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Southern Yemen, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, UAR, U.K., United Republic of Tanzania, U.S., Venezuela, Yemen, Yugoslavia, Zambia.

Against - None.

Abstaining - Bulgaria, Byelorussian SSR, Central African Republic, Cuba, Czechoslovakia, France, Guinea, Hungary, Malawi, Mauritania, Mongolia, Poland, Romania, Somalia, Ukrainian SSR, USSR.

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peaceful nuclear explosions resolution was approved 75 to 9, with 30 abstentions.¹

Also separated from the Italian Mission draft was a Pakistani proposal urging the United States and the Soviet Union to begin strategic arms limitation talks at an early date. Reintroduced by Pakistan and several other states, this resolution was approved by the General Assembly 108 to 0, with seven abstentions (Central African Republic, Cuba, France, Guinea, Malawi, Mauritania, Tanzania).²

The Last Phase

86 countries, including the GDR, had signed the treaty before President Johnson left office. 62 signed on July 1, and 16 more signed before the Soviet invasion of Czechoslovakia. The repercussions of that event, together with the failure of the U.S. Senate to act on the treaty, reversed this favorable trend, and only 8 more signed before January 20, 1969. By that time 6 countries, including the United Kingdom,

¹pt. C of G.A. res. 2456 (XXIII).

For - Afghanistan, Argentina, Austria, Barbados, Bolivia, Brazil, Burma, Burundi, Ceylon, Chad, Colombia, Cyprus, Dahomey, Democratic Republic of Congo, Dominican Republic, El Salvador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldives Islands, Mali, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Portugal, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia.

Against - Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian SSR, USSR, U.K.

Abstaining - Algeria, Australia, Belgium, Canada, Central African Republic, China, Congo (Brazzaville), Cuba, Denmark, France, Gambia, Greece, Guinea, Iraq, Israel, Ivory Coast, Jordan, Malawi, Mauritania, New Zealand, Niger, Norway, Philippines, Rwanda, South Africa, Syria, Uganda, UAR, U.S., Yemen.

²Pt. D of G.A. resolution 2456.

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had deposited instruments of ratification.¹

During the 1968 Senate hearings, the AEC listed 7 countries which probably had adequate resources to manufacture "reasonably sophisticated" nuclear weapons and delivery systems in 5 to 10 years: Australia, Canada, the FRG, India, Italy, Japan, and Sweden. Of this group, Canada and Sweden had signed the treaty, and Italy was expected to do so in the near future. India was still opposed to the treaty, and the others had not decided.²

The AEC also named 16 countries which would probably take longer to reach that level, since their resources were more limited. Half of this group had signed the treaty: Austria, Belgium, Czechoslovakia, the Netherlands, Hungary, Poland, the UAR, and Yugoslavia. The others in this group were: Argentina, Brazil, Chile, Israel, Pakistan, South Africa, Spain, and Switzerland.³ Except for Switzerland, prospects for early signature by these countries were not bright.⁴

Much depended, however, on the example of the United States, and here the situation was favorable. Although Mr. Nixon had questioned the timing of Senate action on the treaty during the campaign, he had not attacked the substantive provisions of the treaty. It never became a partisan issue, and there was strong support for the treaty among Senators of both parties. The new President's first major arms-control decision was to recommend Senate approval, and the Senate gave its advice and consent to ratification on March 13, 1969.⁵

¹Senator Fulbright was sent a list of 84 signatories on January 17 (Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninety-first Congress, First Session, on Executive H, 90th Congress, Second Session, pt. 2, p. 309). This list does not include the GDR, since the U.S. formally declined to accept Soviet notification of GDR signature. It also omits the Sudan, which signed in Moscow on Dec. 24, 1968.

²Nonproliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninetieth Congress, Second Session, on Executive H, 90th Congress, Second Session, pp. 30-31.

³Ibid.

⁴Rusk to Fulbright, ltr., Jan. 17, 1969, Secret/Noform.

⁵The treaty was approved by a vote of 83 to 15.

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OUTER-SPACE TREATY

BY JOHN W. SYPHAX

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Background

On September 5, 1962, Deputy Secretary of Defense Gilpatric stated that the United States did not plan to place any weapons of mass destruction in orbit:

Today there is no doubt that either the United States or the Soviet Union could place thermonuclear weapons in orbit, but such an action is just not a rational military strategy for either side for the foreseeable future.

We have no program to place any weapons of mass destruction into orbit. An arms race in space will not contribute to our security. I can think of no greater stimulus for a Soviet thermonuclear arms effort in space than a United States commitment to such a program. This we will not do.

At the same time that we are pursuing cooperative scientific efforts in space through the United Nations and otherwise, we will of course take such steps as are necessary to defend ourselves and our allies, if the Soviet Union forces us to do so. This is in accordance with the inalienable right of self-defense confirmed in the United Nations Charter.¹

In October 1962, ACDA Director Foster told Foreign Minister Gromyko that the United States had no intention of engaging in an arms race in outer space. It would welcome either a joint declaration or simultaneous unilateral declarations, or an agreement that neither state would place weapons of mass destruction into outer space. He observed that at the present time only the United States and the USSR had the capability of placing objects into space. When other nations acquired this capability, it would be logical to include

¹Documents on Disarmament, 1963, pp. 536-537.

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them in such an arrangement at the appropriate time. Mr. Gromyko replied that his government still considered that the prohibition of the use of outer space for military purposes was organically connected with the elimination of foreign military bases. Mr. Foster explained that the United States believed that it would be better to separate the problem of missiles and bases from that of orbiting objects. Since control of objects in outer space was more difficult than of those on the ground such objects were more accident-prone than missiles. He again stressed American desire to explore this matter further with the Soviet Union. Mr. Gromyko reiterated the Soviet position on the problem but added that Soviet experiments with satellites were for technical and scientific purposes only.¹ The USSR made no further response at this time. The Director also broached the matter with Ambassador Tsarapkin at Geneva later that year.²

In June 1963, Mexico submitted to the ENDC an outline draft treaty prohibiting the orbiting or stationing in outer space of nuclear weapons or other weapons of mass destruction.³ Commenting on the Mexican proposal, Ambassador Tsarapkin observed that it was incorrect to single out the problem of weapons in outer space from the general problem of disarmament, especially the question of the elimination of military bases on foreign territories. "These two questions should be dealt with simultaneously," he said.⁴ The U.S. reaction to the Mexican draft treaty was that it presented problems from the standpoint of protecting our interests in outer space and that much of it was more appropriate for discussion by the United Nations Outer Space Committee rather than by the ENDC.⁵

On September 19, 1963, Foreign Minister Gromyko told the General Assembly that his government was "willing now to take

¹Memcon Foster-Gromyko, Oct. 17, 1962, Confidential/Limdis.

²Memorandum by U. Alexis Johnson for Fisher, Mar. 22, 1963, Secret.

³Documents on Disarmament, 1963, pp. 239-242.

⁴ENDC/PV.147, p. 49.

⁵U.S.-U.K. Disarmament Talks - Outer Space (ACDA background), July 23, 1963, Confidential.

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steps in order to prevent the spread of the armaments race to outer space" and wanted to "reach agreement with the United States government to ban the placing into orbit of objects with nuclear weapons on board."¹ The following day President Kennedy called for negotiations "to work out a practicable arrangement to this end."²

At the request of the Secretary of State, ACDA proposed three possible alternative courses of action and forwarded (1) a draft unilateral policy declaration; (2) a draft General Assembly resolution and U.S. statement to be made at the time of passage of the resolution; and (3) a draft agreement between the United States and the Soviet Union.³

Although the Soviet Union wanted something as close to a formal agreement as possible, the Committee of Principals decided October 8, 1963, that the best arrangement for a ban on bombs in orbit would be a General Assembly resolution. The Secretary of State thought that because of constitutional and Congressional problems an informal arrangement, such as a General Assembly resolution, was preferable at that time. Moreover, the President wanted to avoid any too formal or binding arrangement, such as an executive agreement. The resolution would have to be acceptable to both the United States and the Soviet Union, and any wording or provision objectionable to either power would have to be rejected. The Joint Chiefs wished to reserve the right to place small nuclear weapons in orbit; they preferred the phrase "weapons of mass destruction" to "nuclear weapons." The JCS representative agreed with the Secretary of State, however, that the former phrase would be generally understood to include all nuclear weapons.⁴

¹Documents on Disarmament, 1963, p. 523.

²Ibid., p. 528.

³Foster to Rusk memorandum, Oct. 4, 1963, Confidential.

⁴ACDA, Meeting of the Committee of Principals, Oct. 8, 1963: Conclusions Respecting U.S. Approach to an Arrangement Against Placing Weapons of Mass Destruction in Orbit, (Enclosure, Memcon: Meeting of Committee of Principals Concerning Bombs in Orbit), pp. 1-5, 7-8, Top Secret.

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The Soviet Union and the other ENDC participants quietly agreed to cosponsor a U.S. draft resolution, with some minor changes in wording. The Mexican representative tabled it on October 15. Ambassador Stevenson told the First Committee on the following day that the United States had no intention of orbiting or stationing in outer space vehicles carrying weapons of mass destruction.¹ The resolution, which was adopted by acclamation by the General Assembly on October 17, 1963, noted the American and Soviet statements, and called on all states to refrain from placing in orbit or stationing in space vehicles carrying weapons of mass destruction.²

Mr. Foster regarded passage of the resolution as fulfillment of a basic Agency objective and implementation of this government's intention to keep outer space free from weapons of mass destruction. At an arms control conference, convened by a university-based group, he declared that ACDA had long desired a ban on placing such weapons in space. Without such a prohibition there was a great risk that "an arms race in space might develop simply for prestige reasons," he said, "rather than because of any real military utility. After full coordination with other agencies, we entered into negotiations with the Soviet Union."³ These resulted in adoption of the General Assembly resolution.

On December 13, 1963, the General Assembly unanimously approved the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space.⁴ The orbiting resolution and the Declaration of Legal Principles were the basis for further efforts in this field.

ACDA Research

ACDA engaged in a substantial amount of staff work, aided by an intensive contract research program, to determine whether a formal agreement or treaty on the exploration

¹Documents on Disarmament, 1963, pp. 535-537.

²Ibid., p. 538.

³Ibid., pp. 571-572.

⁴Ibid., pp. 644-646.

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of outer space was feasible and technically sound. Continuing liaison on the problem was maintained between ACDA and Department of State officials during the next three years. After Ambassador Goldberg became U.S. representative to the United Nations in 1965, it was understood that he and his staff would play a major part in negotiating an outer-space treaty which embodied U.S. desires and hopes on the subject and which fully protected American interests and security. The results of ACDA's staff work and research activities on the subject from 1962 to 1966 were relayed to the Ambassador and his staff by way of the Department of State.

Meanwhile, several in-house studies and a number of external contract studies relating to the problem of preventing the spread of the arms race to outer space were undertaken by ACDA. Beginning in 1962, three successive yearly studies by the Sylvania Corporation (ACDA/ST-12, 42, and 81) included the subject of space weapons and their identification, inspection, and verification. Other contract studies dealing with this subject were made for ACDA by Aerospace Corporation (ACDA/ST-13 and 43) and the Hudson Institute (ACDA/ST-51). In 1963 the Jet Propulsion Laboratory (California Institute of Technology) undertook for ACDA and NASA jointly a study (NAS 7-100) concerned with the use of space technology for arms control purposes and the impact of disarmament proposals upon space programs. One phase of this study was concerned with the applicability of the principles of the Antarctic Treaty to an outer-space treaty.

Negotiating the Treaty

On May 7, 1966, President Johnson declared that there was an urgent need for an international agreement to guarantee that exploration of the moon and other celestial bodies would be for peaceful purposes only. The essential elements of such a treaty, he said, would be as follows:

The moon and other celestial bodies should be free for exploration and use by all countries. No country should be permitted to advance a claim of sovereignty. There should be freedom of scientific investigation, and all countries

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should cooperate in scientific activities relating to celestial bodies. Studies should be made to avoid harmful contamination. Astronauts of one country should give any necessary help to astronauts of another country. No country should be permitted to station weapons of mass destruction on a celestial body. Weapons tests and military maneuvers should be forbidden.

He asked Ambassador Goldberg to initiate early U.N. negotiations on an outer-space treaty.¹

In a letter dated May 9, Ambassador Goldberg transmitted the President's proposal to the Chairman of the U.N. Committee on the Peaceful Uses of Outer Space and stated that the proposal was based on the long-standing concern of the United States to promote international cooperation in the exploration of outer space for peaceful purposes. He urged an early convening of the Committee's Legal Subcommittee to prepare a draft treaty for submission to the General Assembly.² On June 16, the United States and the Soviet Union submitted draft treaties on the exploration of the moon and other celestial bodies to the Outer-Space Committee.³

The Departments of State and Defense and NASA had the major responsibility for developing U.S. policy in negotiating the treaty. ACDA had two main areas of interest in the proposed treaty. The first concerned provisions effecting limitations on weapons in orbit and fortifications and military activities on celestial bodies. The second was related to safeguards for U.S. security necessary as a result of weapon prohibitions and limitations. As in the case of the Antarctic Treaty, it was contemplated that ACDA would probably be responsible for the planning and carrying out of future inspections on celestial bodies.⁴

¹Documents on Disarmament, 1966, pp. 275-276.

²Ibid., pp. 276-277.

³US and USSR Proposals for a Treaty on Celestial Bodies, (ACDA background paper), June 14, 1966, Confidential.

⁴An Assessment from An Arms Control and Disarmament Standpoint of Proposed Drafts of a Treaty Governing Uses of Space and Celestial Bodies (ACDA background paper), July 25, 1966, Confidential.

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In June 1966, Ambassador Goldberg testified before the Senate Foreign Relations Committee concerning the proposed outer-space treaty. During the Committee's discussions the question of ACDA's relationship to the proposed treaty came up. In response, Ambassador Goldberg indicated that during negotiation of the treaty he would be in constant contact with ACDA in regard to those portions of the treaty with which the Agency was concerned.¹

During the actual negotiations at New York and Geneva, Sidney Graybeal, ACDA Deputy Assistant Director for Science and Technology, served in an advisory capacity to Ambassador Goldberg, participated in the day-to-day activities of the Legal Subcommittee of the Outer-Space Committee, and took part in some of the bilateral talks with the Soviet representatives assigned to the negotiations. In letters to ACDA Director Foster, Ambassador Goldberg expressed his appreciation for the assistance rendered to him and his staff by ACDA personnel during the negotiations.² In addition, ACDA specialists consulted with Department of State officials concerned with formulating and negotiating the treaty and made available to them the results of ACDA thinking and research.³

Negotiations were completed at the 21st General Assembly. On December 8, President Johnson confirmed that agreement had been reached on "the most important arms control development since the limited test ban treaty of 1963."⁴ On December 19 the General Assembly adopted by acclamation a resolution commending the treaty and requesting the depositary governments - the United States, the United Kingdom, and the Soviet Union - to open it for signature.⁵ The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies was opened for signature at Washington, London, and Moscow on January 27, 1967, and signed on that date by the three depositary governments and many other countries. Both

¹Scoville (ST), Van Doren (GC) to Fisher, memorandum, June 30, 1966, Confidential.

²Goldberg to Foster, letters, August 3, 1966.

³Scoville, Van Doren to Fisher memorandum, cited supra.

⁴Documents on Disarmament, 1966, pp. 807-808.

⁵Ibid., pp. 809 ff.

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the Department of State and the Department of Defense supported the treaty. During the Senate Foreign Relations Committee hearings on the treaty, Deputy Secretary of Defense Vance expressed the belief that compliance with the treaty could be effectively monitored "through our space observation and other technical surveillance systems."¹ General Wheeler said that the JCS were concerned about verification and that the threat of weapons in orbit could be answered only through intensified efforts to improve our national detection capabilities.² The U.S. Senate approved the treaty on April 25 by a vote of 88 to 0. It entered into force on October 10, 1967.³

On that occasion, President Johnson said, "By adding this treaty to the law of nations we are forging a permanent disarmament agreement for outer space.... The spirit of international cooperation that has achieved this agreement is a beacon of hope for the future."⁴ The President has predicted that "its significance will grow as our mastery of space grows, and our children will remark the wisdom of this agreement to a greater degree than the present state of our own knowledge quite permits today."⁵

The substance of the arms control provisions is in Article IV. This article restricts military activities in two ways. First, it contains an undertaking not to place in orbit around the earth, install on the moon or other celestial bodies, or otherwise station in outer space nuclear or any other weapons of mass destruction. Second, it limits the use of the moon and other celestial bodies exclusively to peaceful purposes, and expressly prohibits their use for establishing military bases, installations, or fortifications; testing weapons of any kind; or conducting military maneuvers.

¹Treaty on Outer Space: Hearings Before the Committee on Foreign Relations, Ninetieth Congress, First Session, on Executive D, 90th Congress, First Session, pp. 79-82.

²Ibid., pp. 82-85.

³Documents on Disarmament, 1967, pp. 38-43.

⁴Ibid., pp. 474-476.

⁵Ibid., p. 821.

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